

Mr. JOHNSON of Colorado. The Senator from Colorado is younger than the Senator from Kentucky thinks.

Mr. President, I am glad this opportunity has come to me to vote for confirmation of Admiral Giffen's nomination, because I have a great admiration for him which has lasted all through the years.

Mr. FULBRIGHT. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Let me say that I notice that the nomination of Admiral Alan G. Kirk to be vice admiral is included in the list of nominations in the Navy. I wish to say a word about him. Admiral Kirk was really in charge of the amphibious operations on the Normandy Beach, and it gives me great pleasure to vote for the confirmation of his nomination. I have known him for some time, and I think he is one of the outstanding leaders who has been developed in this war.

The PRESIDENT pro tempore. Without objection, when the Senate reconvenes tomorrow, the Senator from Ohio [Mr. BURTON] will be regarded as having the floor.

Mr. BARKLEY. Mr. President, I certainly have no objection to that.

Mr. WHERRY. Neither have I.

Mr. FULBRIGHT. I approve of it.

Mr. BARKLEY. I shall be glad to have the Senator from Ohio lead off tomorrow in what I am sure will be an enlightening discussion of the charter.

Mr. BURTON. I thank the Senator from Kentucky. I must say that I do not expect to be able to do as well as he did, but I shall do the best I can.

RECESS

Mr. BARKLEY. Mr. President, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate, in executive session, took a recess until tomorrow, Wednesday, July 25, 1945, at 11 o'clock a. m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 24 (legislative day of July 9), 1945:

FEDERAL BOARD FOR VOCATIONAL EDUCATION

Paul H. Nystrom to be a member of the Federal Board for Vocational Education for a term expiring July 17, 1948.

THE JUDICIARY

UNITED STATES ATTORNEY

Ray J. O'Brien to be United States attorney for the Territory of Hawaii.

IN THE NAVY

APPOINTMENTS IN THE NAVY FOR TEMPORARY SERVICE

Robert C. Giffen to be vice admiral, to continue until his detachment from duty as commander, service force, United States Atlantic Fleet, to rank from May 14, 1944.

Alan G. Kirk to be vice admiral, to rank from September 10, 1945.

Oswald S. Colclough to be rear admiral, to continue while serving as Assistant Judge Advocate General.

James M. Shoemaker to be commodore, to continue while serving as commander, naval

air bases, Philippines, and until reporting for other permanent duty.

Ben H. Wyatt to be commodore, to continue while serving as an island commander in the Pacific Ocean area, and until reporting for other permanent duty.

Richard R. McNulty to be commodore in the Naval Reserve, for temporary service, to continue while serving as supervisor, United States Merchant Marine Cadet Corps.

IN THE MARINE CORPS

APPOINTMENTS IN THE MARINE CORPS FOR TEMPORARY SERVICE

Ford O. Rogers to be brigadier general from November 25, 1943.

Byron F. Johnson to be brigadier general from January 27, 1945.

SENATE

WEDNESDAY, JULY 25, 1945

(Legislative day of Monday, July 9, 1945)

The Senate met in executive session at 11 o'clock a. m., on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor of the Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Eternal God, who art the light of all that is true, the strength of all that is good, and the glory of all that is beautiful, Thou knowest what the burden of our prayer is during these days. Inspire us with faith and boldness of adventure as we strive for peace on earth and good will among men.

May we have the courage to believe that all our longings are not mere sentimental emotions but divine inspirations for the God-ordained destiny of humanity. Give us the glad assurance that we are not following a forlorn hope, and that our minds have not been deceived by some elusive phantom and vague impossibility. Help us to feel that we have not been created and predestined for failure but for victory.

We humbly and fervently pray that the wills of men may be transformed and transfigured by Thy divine good will. Emancipate us from fears and suspicions. Temper our minds with those finer virtues of forbearance and forgiveness. Discipline our proud and complacent spirits. Create within us a capacity for friendship, and may we cultivate it. May the day be hastened when men and nations shall be organized into a league of friendly minds and hearts.

Hear us in the name of the Prince of Peace. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, July 24, 1945, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT— APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on July 21, 1945, the President had ap-

proved and signed the following act (S. 512) for the relief of Mr. and Mrs. Arthur R. Brooks.

LEGISLATIVE BUSINESS

By unanimous consent, as in legislative session, the following business was transacted:

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE SECRETARY OF THE TREASURY

A report of the Secretary of the Treasury, transmitted, pursuant to law, for the fiscal year 1945, without the statistical data; to the Committee on Finance.

REPORT ON SPECIAL ASSISTANTS IN DEPARTMENT OF JUSTICE

A letter from the Attorney General, transmitting, pursuant to law, a report showing the special assistants employed during the period from January 1 to June 30, 1945, under the appropriation "Compensation of special attorneys, etc., Department of Justice" (with an accompanying report); to the Committee on the Judiciary.

REPORT OF OFFICE OF PRICE ADMINISTRATION

A letter from the Administrator of the Office of Price Administration, transmitting, pursuant to law, the thirteenth report of the Administration for the period ended March 31, 1945 (with an accompanying report); to the Committee on Banking and Currency.

PERSONNEL REQUIREMENTS

Letters from the executive officer of the Office of Defense Transportation and the executive secretary of the Office of Scientific Research and Development transmitting, pursuant to law, personnel requirements for their respective offices for the quarter ending September 30, 1945 (with accompanying papers); to the Committee on Civil Service.

DISPOSITION OF AMERICAN FLAG FLOWN OVER BERLIN

A letter from the Chairman of the Smaller War Plants Corporation, transmitting information and correspondence relative to the disposition of the American flag flown over Berlin which was over the American Capitol when war was declared against Japan, Italy, and Germany (with accompanying papers); to the Committee on the Library.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following petitions and memorials, which were referred, as indicated:

A letter in the nature of a petition from George Latosian, of San Francisco, Calif., praying for the enactment of House bill 2346, the so-called seaman's bill of rights bill; to the Committee on Commerce.

A resolution adopted by Local 72, United Automobile-Aircraft-Agricultural Implement Workers of America (UAW-CIO), of Kenosha, Wis., favoring an amendment to the Social Security Act so as to provide credits for the period of service of persons in the armed forces; to the Committee on Finance.

A resolution adopted by the executive committee of the State camp of the Patriotic Order of Sons of America, Philadelphia, Pa., favoring the enactment of legislation to improve transportation facilities for servicemen; protesting against Communists serving as officers in the armed forces, and opposing release of war prisoners charged with treason; to the Committee on Military Affairs.

The petition of James M. Bennett, of Philadelphia, Pa., praying for the enactment of legislation to authorize the Federal Loan Agency to set up proper facilities for the

printing and issuing of 10,000,000 shares of a passenger bus transportation company to be known as the GI transportation company; to the Committee on Banking and Currency.

The petition of James M. Bennett, of Philadelphia, Pa., praying for the enactment of legislation to create a three-party political election system with an opportunity for independents to compete for competitive elective office; to the Committee on Privileges and Elections.

A resolution adopted by the congregation of the College Hill Presbyterian Church, of Beaver Falls, Pa., favoring the prompt ratification of the United Nations Charter; order to lie on the table.

RESOLUTIONS FROM NORTH DAKOTA PROTESTING AGAINST ESTABLISHMENT OF MISSOURI VALLEY AUTHORITY

Mr. YOUNG. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD resolutions adopted by the board of directors of the Minot Association of Commerce and the North Dakota Stockmen's Association, both in the State of North Dakota, protesting against the enactment of legislation to establish a Missouri Valley Authority.

There being no objection, the resolutions were received, referred to the Committee on Irrigation and Reclamation, and ordered to be printed in the RECORD, as follows:

To the Honorable Members of the Senate Committee Hearing on S. 555, Known as the Murray Missouri Valley Authority Bill:

GENTLEMEN: The board of directors of the Minot Association of Commerce, Minot, N. Dak., at a regular meeting have reviewed the principles involved in the above-entitled Senate bill.

We wish to register the protest of this organization against the enactment of such a measure for the following reasons:

1. We believe that such a bill if it became a law would be an invasion of States' rights, and that North Dakota has every reason to preserve for itself such authoritative rights as will be helpful in the State's development under State leadership rather than under outside control.

2. The plans of this bill, in our judgment, will eventually make it imperative for the United States Government to go into business in the State of North Dakota and we are opposed to such entry into business by the Federal Government where it can be avoided.

3. We believe that a Government corporation as authorized by said bill with unlimited power and accountable only to the President is unnecessary for the proper development of the Missouri River Basin, and we further believe that the principles set forth in this bill are contrary to our democratic form of government.

4. We are fully aware, as you are, that other Federal agencies of reputable standing and of years of experience have long since been planning for the construction of such projects on the Missouri River as will properly care for flood control and give full protection to reclamation and other interests in the Missouri River Basin. We believe that the said agencies are fully competent under direction from Congress to administer such projects as may require Federal construction without the addition of a new Federal authority.

5. We believe that the plans for the development in the Missouri River Basin should be completed and ready for actual construction as soon as possible because this program, if ready for construction, will solve all postwar employment problems in the basin and at the same time furnish new opportunities for thousands of new farm

homes for folks returning from the armed services and that any plan like that suggested under the Missouri Valley Authority bill will delay, hinder, and probably stop for all time the full development of the water resources in the Missouri River Basin as proposed by the Corps of Army Engineers and by the Reclamation Bureau.

We trust these reasons may be helpful in letting you know what our viewpoint is. This resolution, including the above, was duly adopted by the board of directors of the Minot Association of Commerce, this 12th day of July 1945.

MINOT ASSOCIATION OF COMMERCE.
ROBT. BRANDT.

The North Dakota Stockmen's Association assembled at Dickinson, N. Dak., on May 19, 1945, for its annual meeting and representing more than 400 of the leading beef producers of the State of North Dakota hereby adopts the following resolution:

"Whereas the North Dakota Stockmen's Association is opposed to the establishment of a Missouri River Authority and is further opposed to the establishment of any bureau or commission by the Federal Government which has as its purpose the removal of the control of the use of the waters of the Missouri River Basin to an authority or other similar bureaus or commissions; and

"Whereas the ranchers of North Dakota object to the Murray bill as a whole and particularly that section which provides 'No dam, appurtenant works, etc., may be constructed, operated, or maintained over, across, along, in or into the Missouri River, or any tributary stream of said river or any tributary of such stream, except in accordance with plans for construction, operation, and maintenance approved by corporation.' That under this law they would be unable to dam a creek to form a drinking pond for livestock or to flood hay meadows, nor would they have jurisdiction over any dry run or draw in the basin; and

"Whereas the membership of the North Dakota Stockmen's Association believes that the control and use of the waters of the Missouri River Basin should be under State law and in the hands of the Bureau of Reclamation and the Corps of Army Engineers as set forth in the flood control bill signed by the President on December 22, 1944, and the rivers and harbors bill signed by the President on March 2, 1945: Now, therefore, be it

Resolved, That the North Dakota Stockmen's Association go on record as opposed to the Missouri Valley Authority as represented by the Murray bill and also as opposed to the establishment of any authorities, boards, bureaus, or commissions which will tend to jeopardize the right and power of the people of North Dakota to fully participate in the management and control of its river basin."

REPORT OF A COMMITTEE

Mr. HILL, from the Committee on Expenditures in the Executive Departments, to which was referred the bill (H. R. 2504) to discontinue certain reports now required by law, reported it without amendment and submitted a report (No. 519) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GURNEY:

S. 1307. A bill to confirm the rights of the State of South Dakota in and to certain lands and the minerals therein; to the Committee on Public Lands and Surveys.

By Mr. WALSH:

S. 1308. A bill to amend article 6 of the Articles for the Government of the Navy; to the Committee on Naval Affairs.

By Mr. McCARRAN:

S. 1309. A bill to incorporate the National Real Estate Foundation; to the Committee on the Judiciary.

By Mr. PEPPER:

S. 1310. A bill for the relief of Saunders Wholesale, Inc.; and

S. 1311. A bill for the relief of the estate of Curtis Willson; to the Committee on Claims.

S. 1312. A bill to correct the military record of Albert T. Lipford; to the Committee on Military Affairs.

(Mr. MORSE (for himself and Mr. CORDON) introduced Senate bill 1313, which was referred to the Committee on Indian Affairs, and appears under a separate heading.)

APPROVAL OF EXPANSION OF AIR-TRANSPORTATION SYSTEM

Mr. MAGNUSON submitted the following concurrent resolution (S. Con. Res. 25), which was referred to the Committee on Interstate Commerce:

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby expresses itself as approving expansion of the air-transportation system in the United States so that it will include not only the larger cities but also, through feeder-line service, the greatest practicable number of smaller cities and towns.

POSTWAR FULL EMPLOYMENT — EDITORIAL FROM BIRMINGHAM (ALA.) NEWS-AGE-HERALD

Mr. MURRAY. Mr. President, the end of the war in Europe, and our recent success in the Pacific, have led to increased discussion at home of the postwar problem of full employment.

There has been brought to my attention an editorial from the News-Age-Herald of Birmingham, Ala., dated July 1, 1945, which concerns itself with this major issue.

The editor asks: "If through action by Government, such national disaster as major depression can be avoided, should there not be such action?"

He then refers to S. 380, introduced by the Senator from Wyoming [Mr. O'MAHONEY], the Senator from New York [Mr. WAGNER], the Senator from Utah [Mr. THOMAS], and myself, pointing out that "The basic idea of the full employment bill now pending in Congress seems to be just that—that it is better to take preventive than remedial action, where it is feasible."

In view of the wide and growing interest in this problem, I ask unanimous consent to insert this editorial in the RECORD at this point, in connection with my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FULL EMPLOYMENT

Is it possible for our American system of private enterprise at times to produce widespread unemployment? We know too well that it is.

If, through action by Government, such national disasters as major depression can be avoided, should there not be such action?

Not many Americans would, in our opinion, say no. In a sense, the question is rather beside the point. For the only uncertainty in any case would have to do with the timing of the Government's action. Do we not all know that a great depression inevitably compels widespread Federal action?

We know what was necessary in the early thirties. So we may be assured there is going to be far-reaching Federal action sooner or

later—either in forestalling depressions or in combating them when they develop.

Would it not be far better for such action to come in time to prevent a disastrous downward turn in economic conditions?

The basic idea of the full-employment bill, now pending in Congress, seems to be just that—that it is better to take preventive than remedial action, where it is feasible.

There has been an enormous amount of misunderstanding and misrepresentation concerning this measure. Some critics, evidently knowing little about it or else deliberately distorting its purposes and methods, have suggested that it contemplates governmental control of all business. That is absurd. The advocates of this legislation are themselves strong champions of our American system of enterprise; what they are interested in doing is strengthening it, not in any way weakening it.

In a recent address outlining the bill, Senator MURRAY, of Montana, one of its four sponsors, made very clear the general conceptions underlying it.

Full employment in America is, the Senator declared, of the most urgent and basic importance not only to this country but to the entire world. By "full employment" is meant the provisions of an opportunity to work for virtually all people seeking jobs—that, in contrast to hopeless unemployment for millions of our people.

Such unemployment, long prevailing, could destroy freedom not only in this country but in other parts of the world. The full-employment bill straightforwardly recognizes Government's responsibility for assisting in the attainment and maintenance of its purpose—jobs for all.

"America cannot tolerate," Senator MURRAY says, "a system which permits millions of citizens to go unemployed while other segments of our population are enjoying a high degree of prosperity. Business therefore has an obligation to follow policies compatible with the building of a full and workable economic system, and is entitled to the cooperation and support of the Government to accomplish this task."

That is the essential conception—that Government shall aid, not dominate, business—that it shall help to keep business going at a level that will afford opportunity for all our people.

We know that conditions can arise under which even the most hard-working and capable persons may be utterly unable to find work. The bill would provide for Federal cooperation in behalf of sustained employment simply by use of the Government's resources in determining economic trends and needs and in maintaining and creating jobs.

Trends can be successfully perceived. A variety of action can be taken to support or check these trends. The wise use of Government resources in providing essential public jobs, at the time they are needed, is a conservative, not a radical, action, dictated by common sense and reasonable foresight.

Hearings soon are to begin on this bill. It is a measure of the highest importance. Clear understanding of its purpose should be the aim of all Americans.

ADJUSTMENT OF LABOR IN RECONVERSION PERIOD—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a radio address entitled "Adjustment of Labor in the Reconversion Period," delivered by him from Washington, D. C., on July 24, 1945, which appears in the Appendix.]

THE PEACE WE WANT—A CONTINUING PEACE—ARTICLE BY SENATOR FULBRIGHT

[Mr. LUCAS asked and obtained leave to have printed in the RECORD an article by

Senator FULBRIGHT entitled "The Peace We Want—A Continuing Peace," published in the New York Times Magazine of July 22, 1945, which appears in the Appendix.]

ADDRESS BY SECRETARY OF LABOR SCHWELLENBACH AT SHIP LAUNCHING AT SUPERIOR, WIS.

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Secretary of Labor Lewis B. Schwellenbach at a ship launching at Superior, Wis., on July 21, 1945, which appears in the Appendix.]

FREEDOM OF COMMUNICATIONS—ADDRESS BY JAMES LAWRENCE FLY

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an address entitled "Freedom of Communications," delivered by James Lawrence Fly, former Chairman, Federal Communications Commission, before the twenty-first institute of the Norman Wait Harris Memorial Foundation, Chicago, Ill., July 9-13, 1945, which appears in the Appendix.]

THE NATIONAL LABOR RELATIONS ACT—ARTICLE BY THE REVEREND GEORGE G. HIGGINS

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an article entitled "Somebody's Wrong About the Wagner Act," by the Reverend George G. Higgins, of the social action department of the National Catholic Welfare Conference, which appears in the Appendix.]

COMPULSORY PEACETIME MILITARY TRAINING—STATEMENT BY DR. CLINTON N. HOWARD

[Mr. CAPPER asked and obtained leave to have printed in the RECORD a statement on compulsory peacetime military training, by Dr. Clinton N. Howard, editor of Progress Magazine, before the Special House Committee on Postwar Military Policy, June 13, 1945, which appears in the Appendix.]

RESULT OF GALLUP POLL ON QUESTIONS OF INTEREST TO THE ARMY

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a tabulation described as the result of the Gallup poll on questions of interest to the Army, which appears in the Appendix.]

CHILDREN'S MUSEUM—EDITORIAL FROM THE WASHINGTON POST

[Mr. MAGNUSON asked and obtained leave to have printed in the Appendix of the RECORD an editorial entitled "Children's Museum," published in the Washington (D. C.) Post, of July 17, 1945, which appears in the Appendix.]

OFFICE OF WAR INFORMATION ARTICLE CIRCULATED IN RUSSIA—LETTER FROM GREATER NORTH DAKOTA ASSOCIATION

[Mr. YOUNG asked and obtained leave to have printed in the RECORD a letter from the Greater North Dakota Association with reference to an article circulated by the Office of War Information in Russia, which appears in the Appendix.]

THE NORTHWEST NEEDS A CVA—ARTICLES BY CAREY MCWILLIAMS

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD a condensation of three articles appearing in the Nation of June 2, 9, and 23, 1945, by Carey McWilliams, entitled "The Northwest Needs a CVA," which appears in the Appendix.]

SALT AND WEEDS AS CATTLE FEEDS

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD an article published in the Lewiston (Idaho) Tribune, entitled "Grangeville Farmer Lures Cattle To

Graze on Weeds Which Have Been Lightly Salted To Provide Flavor," which appears in the Appendix.]

SUGGESTED ENTRANCE OF RUSSIA INTO JAPANESE WAR

Mr. WILEY. Mr. President, there has been widespread spineless reluctance to express American opinion that Russia should enter the war against Japan. This reluctance, this hush-hush policy, when it comes to expressing our deepest convictions is ridiculous. I have issued a statement dealing with this subject, which I ask to have printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

There has been widespread spineless reluctance to express American opinion that Russia should enter the war against Japan. This reluctance—this hush-hush policy of relating our deepest convictions is ridiculous.

It does not involve any military secrets to state our intense feelings in this matter. In millions of American homes, mothers, fathers, and sweethearts are awaiting anxiously for news of Russia's intentions. Hundreds of thousands of our brave soldiers, sailors, and marines are poised for the tough and bitter invasion of Japan.

They know and we know that if Russia declared war, if her bombing fleets roared out from Vladivostok over to Japan, these acts might be the final ones to force a quick surrender of the Japs. Thus, countless American lives are at stake in Russia's decision.

Our ground troops, seamen, and airmen have carried the overwhelming load of the bloody Pacific fighting for 3½ years. We have every right to speak bluntly and plainly, the only language the Russians understand anyway.

Why then should we pussyfoot with our Russian ally and not declare only that we want them to make common cause with us in the Pacific?

Why then should we not strengthen President Truman's hand by making known this desire from here at home in no uncertain terms?

Why should we act like helpless "Milk-toasts" when we have vast financial and other bargaining power to use as pressure on Russia?

Why should we follow the lead of the "Nice Nellies" of our State Department who have been more concerned with diplomatic niceties than with the preservation of American interests and lives?

Let no one say that we are meddling in Russia's business when we tell them that we want them to carry their load in the Far East. From 1941 to 1943 the controlled Russian press never hesitated to denounce America and Britain for their alleged delay in opening the second front in Europe.

Now the shoe is on the other foot. But we are not denouncing Russia. We know how she has bled in the war with Germany. We know of her valor and her courage. But we know, too, that her security demands that the Japs be licked. We know that whether or not Russia enters the war she will make big postwar demands regarding Asia at the peace table.

Thus America has everything to gain and thousands of her boys' lives to lose unless Russia joins in the Pacific struggle.

It would be our dearest hope that Russia's mere entrance into the war would be sufficient to make the Japs throw in the sponge without a single additional Russian boy's or a single additional American boy's dying.

But we cannot foresee the future. We can, however, say that it is apparently the overwhelming sentiment of our people that we

will not easily forget Russia's contribution in the Far East if she pitches in with us and will not easily forgive her shirking of her responsibility if she remains on the side lines.

I would be remiss in my obligations as a United States Senator if I did not voice, in all humility but with all the force at my command, the feelings of millions of Americans that Russia do her part in the Pacific.

THE CHARTER OF THE UNITED NATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the treaty, Executive F, Seventy-ninth Congress, first session, the Charter of the United Nations, with the Statute of the International Court of Justice annexed thereto, formulated at the United Nations Conference on International Organization and signed at San Francisco on June 26, 1945.

Mr. BURTON obtained the floor.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Green	Myers
Andrews	Guffey	O'Daniel
Austin	Gurney	O'Mahoney
Ball	Hart	Overton
Bankhead	Hatch	Pepper
Barkley	Hawkes	Radcliffe
Bilbo	Hayden	Revercomb
Brewster	Hickenlooper	Robertson
Bridges	Hill	Russell
Briggs	Hoe	Saltonstall
Brooks	Johnson, Colo.	Shipstead
Buck	Johnston, S. C.	Smith
Burton	Kilgore	Stewart
Bushfield	La Follette	Taft
Butler	Langer	Taylor
Byrd	Lucas	Thomas, Okla.
Capehart	McCarran	Thomas, Utah
Capper	McClellan	Tobey
Chandler	McFarland	Tunnell
Chavez	McKellar	Tydings
Connally	McMahon	Vandenberg
Cordon	Magnuson	Wagner
Donnell	Maybank	Walsh
Downey	Mead	Wheeler
Eastland	Millikin	Wherry
Ellender	Mitchell	White
Ferguson	Moore	Wiley
Fulbright	Morse	Willis
George	Murdock	Wilson
Gerry	Murray	Young

Mr. HILL. Mr. President, I announce that the Senator from Virginia [Mr. GLASS] is absent because of illness.

The Senator from North Carolina [Mr. BAILEY] is necessarily absent.

Mr. WHERRY. The Senator from Kansas [Mr. REED] is absent on official business.

The Senator from Idaho [Mr. THOMAS] is absent because of illness.

The Senator from California [Mr. JOHNSON] is necessarily absent.

The PRESIDENT pro tempore. Ninety Senators have answered to their names. A quorum is present.

Mr. BURTON. Mr. President, on June 12, while the Charter of the United Nations was under discussion at San Francisco but after it had taken substantially its final form, I made an extended statement to the Senate dealing with the necessity for the charter, the wisdom of the approval of its terms, and the necessity for other action in addition to the approval of the charter in the interest of international and domestic stability. While the form of the charter, as signed on June 26, differs in some details from the provisions published on

June 10 and incorporated in the CONGRESSIONAL RECORD with my statement of June 12, the changes do not alter any of the conclusions reached in my previous statement.

Accordingly, I shall confine myself now to the discussion of two high points in connection with the charter. These are: First, the Security Council as an agency for peaceful settlement of international disputes; second, the Security Council as an agency for the enforcement of peace.

Before discussing these points, I wish to express my appreciation of the constructive and statesmanlike service which has been rendered to the United States and to humanity by those who took part in the San Francisco Conference. I express special appreciation of the service of our Secretary of State, Edward R. Stettinius, Jr., and all other members of the United States delegation, their staff and their consultants, and I voice also my great indebtedness to our colleagues, Senators TOM CONNALLY, of Texas, and ARTHUR H. VANDENBERG, of Michigan, who served ably, diligently, and effectively on that delegation. These Senators were able to bring to bear on the San Francisco Conference their understanding of the point of view of the Senate at such a time and in such a manner that such point of view was reflected to a high degree in the terms of the charter then under negotiation.

For example, it is clear that the charter comes well within the requirements of the resolution adopted by the Senate November 5, 1943, by a vote of 85 to 5.

Mr. President, I ask unanimous consent that the resolution be printed in full in the Record at this point without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution is as follows:

Resolved, That the war against all our enemies be waged until complete victory is achieved.

That the United States cooperate with its comrades in arms in securing a just and honorable peace.

That the United States, acting through its constitutional processes, join with free and sovereign nations in the establishment and maintenance of international authority with power to prevent aggression and to preserve the peace of the world.

That the Senate recognizes the necessity of there being established at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security.

That, pursuant to the Constitution of the United States, any treaty made to affect the purposes of this resolution, on behalf of the Government of the United States with any other nation or any association of nations, shall be made only by and with the advice and consent of the Senate of the United States, provided two-thirds of the Senators present concur.

Mr. BURTON. Mr. President, to emphasize the conformity of the charter to the resolution, it is necessary only to repeat the following sentence, the substance of which appears both in that

resolution and in the Moscow agreement:

The Senate recognizes the necessity of there being established at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership by all such states, large and small, for the maintenance of international peace and security.

While it is true that the Dumbarton Oaks proposals also came within the requirements of the foregoing resolution of the Senate, those proposals were, from the point of view of the United States, vastly improved as a result of the discussions at San Francisco, and reports of the Conference indicate that in many important particulars we are indebted to the Senator from Texas [Mr. CONNALLY] and the Senator from Michigan [Mr. VANDENBERG] for such improvements. The presence of these improvements in the charter are the best evidence of the value of the procedure followed in this instance whereby the Senate was able to make a far more constructive contribution to the charter than otherwise would have been possible.

THE SECURITY COUNCIL AS AN AGENCY FOR PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES

On February 5, 1945, the Senator from Michigan [Mr. VANDENBERG], at Detroit, made the following excellent statement of the genius or primary purpose of the Charter. Speaking of the Dumbarton Oaks proposals then before the public, he said:

The genius of Dumbarton Oaks, in correct perspective, is not the use of military force at all. The genius of Dumbarton Oaks is the exact opposite. It is the substitution of justice for force. It is the substitution of international law for piracy. It is the substitution of peace for war. Its genius lies in the organization of these pacific mechanisms which shall stop future frictions short of the necessity for force. Its genius lies in the mobilization of the vigilant moral and spiritual power of enlightened civilization against the dark and evil forces of recurrent savagery. If this power has been dormant and impotent, it is because it has lacked a vigorous world instrument for organized expression. In my deep conviction, Dumbarton Oaks, in proper form, can supply the tremendous instrument.

Among the pacific mechanisms which the charter provides to "stop future frictions short of the necessity for force" are: First, its declaration of purposes; second, its declaration of principles; third, the establishment of the General Assembly; fourth, the prescribed procedure for pacific settlement of disputes; fifth, the Security Council as a pacific mechanism; sixth, the International Court of Justice; seventh the Economic and Social Council; eighth, regional arrangements or agencies; and ninth, the Trusteeship Council.

Each of those provisions makes an important contribution toward the settlement of international disputes by peaceful means. It may be appropriate also to mention in this connection the powers given to the Security Council as an enforcement agency because the presence and availability of armed forces subject to call by the Security Council is in itself an important mechanism for preserving the peace without resort to them.

The only one of the nine pacific mechanisms just named, to which I wish now to direct the special attention of the Senate, is that of the Security Council as an agency of extraordinary international importance in bringing about the adjustment of international disputes by peaceful means. I do this with especial emphasis on the expansion of its jurisdiction given to it at San Francisco beyond the jurisdiction given to it in the Dumbarton Oaks proposals.

This subject is dealt with in chapter VI, entitled "Pacific Settlement of Disputes." The high point in the pacific powers of the Security Council is reached in article 37. Leading up to article 37, article 33 as the first article of chapter VI provides:

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Articles 34, 35, and 36 amplify the discussion of the procedure to be followed in the search for peaceful settlement of international disputes. Article 38 provides that "the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute."

It remains, however, for article 37 to define the high point in the procedure to secure a settlement by peaceful means. It is this article which to my mind invests the Security Council with an extraordinary opportunity to contribute to the peace of the world. There are other articles which hold great promise for the protection of the world against war through providing means for eliminating the causes of war and preventing the occurrence of those frictions which might lead to war. It is, however, article 37 which provides the final opportunity for reaching settlements in those cases where friction has occurred and which without this charter might lead directly to war because of lack of any appropriate mechanism for relief of the friction short of war.

Article 37 reads as follows:

1. Should the parties to a dispute of the nature referred to in article 33 fail to settle it by the means indicated by that article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under article 36 or to recommend such terms of settlement as it may consider appropriate.

It thus becomes clear that all members of the United Nations that are parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, are required to refer it to the Security Council when other peaceful means, including a resort to regional agencies or arrangements or other peaceful means of their own choice, have failed to produce a settlement. When such a dispute is re-

ferred to the Security Council, its first responsibility for taking jurisdiction is to determine for itself whether it believes that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security.

After it has determined this preliminary jurisdictional fact in the affirmative it shall decide whether or not "to take action under article 36 or to recommend such terms of settlement as it may consider appropriate." It must decide to do one or the other. It has no other option on this point. It is of the utmost importance to note that in its decisions, on the jurisdictional question and also upon the subsequent questions as to whether to take action under article 36 or to recommend terms of settlement, the Security Council acts without the participation in those decisions of the parties to the dispute, even though the parties to the dispute may be either temporary or permanent members of the Council.

This limitation is often overlooked, but it is made clear by the provisions of article 27, which prescribe the voting procedure in the Security Council. That article provides:

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members: *Provided*, That in decisions under chapter VI and under paragraph 3 of article 52, a party to a dispute shall abstain from voting.

Accordingly, in this all-important tribunal of last resort for the settlement of international disputes by peaceful means no member of the Security Council that is a party to the dispute may participate either by way of a vote or a veto. Under the provisions of article 27, such a party shall abstain from voting. This is due to the fact that article 37 is a part of chapter VI expressly referred to in the proviso of article 27.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. CONNALLY. I suggest to the Senator that in that particular case there is no conflict, which some seem to find, with the prior provision that a vote in the Security Council must be by all the permanent members, because that is an exception stated following that rule, and in such case there must still be seven votes. However, the abstention from voting of the member who is a party would simply operate to allow one of the nonpermanent members to be counted in the vote necessary to the required majority who would otherwise not be necessary.

Mr. BURTON. I thank the Senator. That is what I am trying to emphasize. There is an express exception which takes out from the voting group at this most critical point the parties to the dispute, thereby leaving a disinterested tribunal for the decision of this most important question of the recommendation of terms of settlement.

The result is that, while the action of the Security Council will require the concurrence of 7 of its 11 members and shall require the concurring votes of all of the permanent members that are permitted to vote, it will be the action of the most authoritative international body in the world, excluding from that body the parties to the dispute at issue. This abstention from voting by the parties to the dispute, however powerful those parties may be, will add weight to the recommendation of the Security Council and will contribute to the likelihood of its being followed by the parties to the dispute in view of the fact that this recommendation probably will reflect the best available disinterested judgment of the world upon the issue. Furthermore, even if such a recommendation is not followed by the parties to the dispute, the recommendation will be of extraordinary importance in determining the alignment of the world in the event that the dispute remains unsettled and if resort is had to force in connection with it.

For example, if the enforcement measures provided by the charter cannot subsequently be employed because of the veto of their use exercised by a party to the dispute, then the recommendation of terms of settlement previously made by the Security Council, without the participation of parties to the dispute, would have great weight in determining the alignment of the individual nations of the world outside of the provisions of the charter itself.

Mr. BALL. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. BALL. Is it the Senator's interpretation that the Security Council, without a party to a dispute voting, could make a recommendation for a settlement of the dispute except under article 38, when the parties to the dispute themselves request it?

Mr. BURTON. Absolutely. I believe that article 37 is independent of article 38. Article 38 provides an optional plan whereby, if the parties request the Security Council to act, then, of course, it may act. But article 37, coming before article 38, deals with the question separately.

Article 38, to which the Senator referred, expressly states that:

Without prejudice to the provisions of articles 33 to 37, the Security Council may, if all the parties to the dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

Thereby any conflict with article 37 is avoided.

Mr. BALL. Section 2 of article 37 provides as follows:

If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under article 36 or to recommend such terms of settlement as it may consider appropriate.

It does not say it shall recommend. It says that it shall decide whether it shall recommend terms of settlement. As I interpret it, the veto would apply on a recommendation of terms of settlement except under article 38.

Mr. BURTON. No; the veto is excluded from the whole chapter VI.

Mr. BALL. Yes; but I do not believe that section 2 of article 37 provides for the Security Council actually recommending the terms of settlement of a dispute. Rather it provides that it shall decide whether the parties having failed to settle the dispute by any other means, the Security Council should then go ahead and actually make recommendations.

Mr. BURTON. I understand the point the Senator makes. I do not believe it is a sound interpretation to say that under article 37 the Security Council, with all the background built up to it, would be limited to deciding whether or not to recommend terms of settlement. If the parties fail to make an adjustment by all the other means provided, the Security Council having found that the dispute is likely to endanger the maintenance of international peace and security, it seems to me that the Security Council has the authority and the requirement to decide whether it shall recommend such terms of settlement as it may deem appropriate, in the language of the charter, that certainly means that it has authority to recommend the terms which it decides to recommend.

Mr. BALL. There is no question about the authority to recommend. The question is whether the permanent member who is a party to the dispute shall abstain from voting.

Mr. BURTON. The abstention from voting relates to the entire chapter VI, whether it be article 38, article 37, article 36, article 35 article 34, or article 33.

Mr. BALL. That is correct.

Mr. BURTON. Therefore he votes on all the pacific procedures.

Mr. BALL. I agree with the Senator. As I recall, at San Francisco the Russian delegation for a time argued that the veto extended even to the right of the Security Council to discuss whether it should consider a dispute, or even recommend the procedures under chapter VI. It was my impression that the Russians yielded on the point as to whether the Security Council should discuss the question, but I do not think they yielded on the authority of the Security Council, without all the permanent members, regardless of whether they were involved, having a veto on actually publicly making recommendations for settlement. I think there is a point there. I would appreciate it if the Senator from Texas could clear it up.

Mr. BURTON. Is that the point of view of the Senator from Texas?

Mr. CONNALLY. I am sorry, but I did not hear the earlier question of the Senator from Minnesota.

Mr. BALL. The question was whether section 2 of article 37 would authorize the Council merely to decide whether it should make recommendations for the settlement of a dispute, with the parties to the dispute abstaining from voting, even if they were permanent members, or whether it would authorize them actually to go ahead and make a recommendation for settlement, with the parties to the dispute abstaining from voting.

Mr. CONNALLY. I will say to the Senator that I have not been able to reread it in the few moments I have given to this matter right now, but I agree with the Senator from Ohio that the abstention of a member of the Security Council applies to the whole of chapter VI.

Mr. BALL. Oh, yes; I agree with that.

Mr. CONNALLY. The point we have in connection with the deliberations at San Francisco is that the issue there was that some of the Russians took the position that the veto applied to consideration or discussion from the very beginning.

Mr. BALL. That is right.

Mr. CONNALLY. We took the position that the reception of the complaint and the discussion of it and the filing of briefs by the parties and things of that kind and its consideration should be permitted.

However, we acceded to the position that any positive or aggressive action thereafter, any recommendation, or anything of that kind must be by the five permanent members and the two non-permanent members.

Mr. BALL. That was my understanding. If I may interrupt, let me say that when it comes to positive action, the veto is to be applied regardless of whether the permanent member is a party to the dispute, so I understand.

Mr. CONNALLY. Not in the case of peaceable settlements.

Mr. BALL. No. But up to article 37 there is no question. All that chapter VI says is that the Security Council may recommend to the parties that they settle it by various other methods.

Mr. CONNALLY. That is correct. But article 37 provides that they may make recommendations to the parties as to how they may settle the dispute. I wish to call the attention of the Senator to the fact that this point was made quite clear in our other deliberations there, namely, that the Security Council has no coercive power to enforce such a recommendation on a party. It is a part of the peaceful settlement.

Mr. BURTON. That is true.

Mr. President, I should like to read into the record at this point the testimony of Dr. Pasvolksky, as appears in the hearings of the committee beginning on page 108. At that time I said:

Senator BURTON. Before leaving these articles, there are a few questions I should like to ask with regard to them.

First, dealing with article 37, it is clear, is it not, that under all of the articles on the pacific settlement of disputes, including article 37, the parties to the dispute may not participate?

Mr. PASVOLSKY. That is correct.

Senator BURTON. Therefore, on the issue of determining whether the continuance of a dispute is likely to endanger peace and security and the issue of recommending terms of settlement, the decision would be made by the Security Council without the participation of parties in interest?

Mr. PASVOLSKY. Yes, sir.

Senator BURTON. Therefore, the veto power is distinctly limited by the fact that it excludes from the veto the parties in interest?

Mr. PASVOLSKY. That is right.

Senator BURTON. Therefore, we do have under article 37 what we otherwise would not have, a disinterested international body of

high standing in a position to recommend actual terms of settlement of a matter of great import which actually endangered the maintenance of peace and stability in the world?

Mr. PASVOLSKY. Yes, sir.

Senator BURTON. Under those circumstances, would you explain this result? That would mean that one of the permanent members would not be able to vote on a recommendation of terms of settlement for itself?

Mr. PASVOLSKY. That is right.

Senator BURTON. But on terms of settlement affecting other people, it would be able to vote and to veto?

Mr. PASVOLSKY. Yes, sir.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. TAFT. It does not seem to me that that clause is at all clear. I should like to have the Senator from Michigan state his opinion regarding it, because certainly, after reading article 37 and article 38 together, it seems to me that article 37 may be construed merely as permitting the Security Council to decide whether it will take action under article 36 or whether it will recommend terms of settlement. But it does not say that it may recommend terms of settlement. Apparently the recommendations to be made are under article 39, which is subject to the veto power. I never have been able to understand clearly just how far the Security Council can go under section 2 of article 37. Can it recommend, or does it merely decide that the matter has now become a subject in which it should undertake an investigation and should recommend? I should like to know what is the proper interpretation of article 37, because what is the use of article 38 if under article 37 terms of settlement may be recommended?

Article 38 says:

Without prejudice . . . the Security Council may, if all the parties to any dispute so request, make recommendations.

Mr. BURTON. Mr. President, first responding to the last part of the question, which is separate from the first part which the Senator specifically referred to the Senator from Michigan, I should say that article 38 might even cover cases which were not involving the parties to a dispute likely to endanger the maintenance of international peace and security, because it says:

Without prejudice to the provisions of articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

That may relate to any dispute; but whatever it is, it seems to me article 38 is purely one under which there can be voluntary submissions of a matter—something which can always take place—and is expressly separate from article 37, as stated in its preliminary clause.

Mr. TAFT. Mr. President, it seems to me that article 38 refers to disputes likely to endanger the maintenance of international peace and security or leading to international friction, and so forth. I do not see that article 38 is really any broader than article 37 in the scope of its jurisdiction.

Mr. BURTON. I think the history of the matter is that in the preceding drafts

and in the Dumbarton Oaks proposals, article 37, or a provision corresponding to it, related only to a decision by the Security Council to take action under article 36, which deals with the recommendation of appropriate procedures and methods of adjustment. But when article 37 was revised at San Francisco, it reached unequivocally into the field of enabling the Security Council to recommend terms of settlement. It is upon the exercise of this enlarged jurisdiction that I place my emphasis.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. CONNALLY. I wish to suggest that under article 38 there are other parts of the charter which apply, although I cannot refer to them at the moment. It is possible that under article 38 one of the parties might not be a member of the United Nations at all. But if all parties concerned were to make the request, the Security Council itself might make a recommendation.

Mr. BURTON. I thank the Senator.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. AUSTIN. I ask the Senator from Ohio if it is his opinion that the most striking difference between the provisions of articles 37 and 38 relates to the initiation of the inquiry? Under article 37 is it not true that the Security Council initiates the inquiry? But under article 38 the parties initiate the inquiry.

Mr. BURTON. I think that is true. Also, however, I wish to call the attention of the Senator from Vermont to the first paragraph of article 37, which indicates that the normal method of reaching the second paragraph is that if and when the parties to a dispute of the nature referred to in article 33 fail to settle it by the several means indicated in that article, they shall refer their dispute to the Security Council. Thus, in the normal procedure, such a dispute will come to the Security Council as to a tribunal of last resort. On the other hand, the procedure under article 38 is normal procedure at any point in the course of any dispute.

Mr. VANDENBERG. Mr. President—

Mr. BURTON. I yield to the Senator from Michigan, if he wishes to make a statement.

Mr. VANDENBERG. Mr. President, the question is a technical one; yet obviously it is of major importance.

First, I wish to comment on the difference between article 38 and article 37. I think the points made by both the Senator from Vermont [Mr. AUSTIN] and the Senator from Ohio [Mr. BURTON] are pertinent. I think article 38 refers to the action of the Security Council at the voluntary request of the parties to a dispute, whereas article 37 refers to the initiation of the intervention by the Security Council itself.

Furthermore, I think the Senator from Ohio [Mr. BURTON] is correct in his position, namely, that article 38 is broader than article 37. In that article 37 applies only to disputes which threaten or endanger the maintenance of international peace and security, whereas article 38

may refer to a dispute of lesser challenge. Therefore, I think there is no inconsistency between the two, but on the contrary, one complements the other.

So far as the veto with respect to recommendation is concerned, I think we are entitled to rely upon the answers made by Dr. Pasvolksy under his cross examination by the Senator from Ohio [Mr. BURTON]. It is my observation, after a very long relationship with Dr. Pasvolksy, that he is pretty generally a completely reliable authority upon the subject of these interpretations. He has lived with this subject for 2 or 3 years, and when he asserts that an interpretation is correct, I think we are entitled to rely upon it.

Furthermore, I invite attention to page 71 of the report of the Secretary of State to the President, in which he is discussing the subject of voting in the Security Council. I invite attention particularly to the following two sentences:

When the question under consideration is one of procedure, the vote of any seven members, whether permanent or nonpermanent, determines the position of the Security Council. On all other matters, decisions of the Council must be made by an affirmative vote of seven members including those of all of the permanent members, except that in decisions with respect to peaceful settlements of disputes—

Which, in my opinion, would include recommendation.

Then articles 33 to 38 are specifically identified in the report—

a party or parties to a dispute must abstain from voting.

Mr. BURTON. I thank the Senator from Michigan.

Mr. President, article 37 recognizes the Security Council as an authoritative international body where a party to an international dispute, even though such party be a permanent member of the Security Council, cannot veto or even vote on the decision of the Council upon the dispute to which it is a party. Article 37 provides a disinterested tribunal before which any state, whether or not it be a member of the United Nations, may present on its merits any dispute to which it is a party and which endangers the maintenance of international peace and security. This tribunal may recommend procedures or methods of adjustment, and even more, it may recommend concrete terms of settlement. If the world will fully recognize the necessity for justice, and a government of law among nations as well as among individuals, and if the world has truly outlawed war as an international policy, this tribunal may well become the tribunal of last resort for many disputes endangering the peace of the world. Through this gate the world may find the long-sought road to just and lasting peace among all nations.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. AUSTIN. I wonder if the Senator recognizes that the high objectives of development of self-discipline by nations is directly promoted by these provisions. No matter what the action of the Security Council may be, there is no decree and no obligation affecting the parties

to the controversy, except the moral obligation to conform as a matter of self-discipline. Is that not the effect?

Mr. BURTON. I thank the Senator from Vermont. I agree completely that there is no legal obligation to accept the terms of settlement which are recommended by even those with authority to recommend those terms. But my belief is that those recommendations will have tremendous weight, and that the parties involved will stand before the world in the light of them. That situation may well result in the parties agreeing to align themselves on the side of justice in the controversy.

Mr. VANDENBERG. Mr. President, I should like to make one further observation in line with what the Senator has said.

Much emphasis is being placed critically upon the veto power which is resident in the five permanent members of the Security Council. But, Mr. President, let us place equal emphasis on the fact that there is no veto power resident in any member of the United Nations, and that there is no right to abstain from the obligation resident in any member of the United Nations insofar as the fundamental pledges of this document are concerned. All those pledges to embrace pacific means of settling disputes are fundamental in the charter. All of them are accepted without reservation by every member of the United Nations, and all members of the United Nations are pledged without reservation, without any escape clause or back door through which to escape from the complete and total good faith recognition of this ritual of peaceful settlement.

Mr. BURTON. I thank the Senator for his emphatic statement.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. TAFT. With all due respect, I inquire, What does that amount to? The effect of the agreement is merely to discuss with others whatever dispute may arise. I believe that to be important, but it is not an agreement to submit a dispute to arbitration or judicial settlement unless there is a wish to do so. I am not criticizing it. I merely believe that we overstate the situation when we say there is a fundamental agreement to do something. The only fundamental agreement is that before going to war we will discuss the matter with the opponent nation. Of course, there is nearly always some discussion along that line before war begins. I do not think that fact particularly changes the nature of the agreement.

Mr. VANDENBERG. I completely disagree with the Senator from Ohio [Mr. TAFT] in his easy discharge of the fundamental obligation which a member of the United Nations takes when he enters into this peaceful fraternity. I am not now discussing at all the detail of the mechanism. I am talking about the fundamental pledge which a member of the United Nations takes when it joins the United Nations Organization. I am asserting that there is no escape from that fundamental obligation. I say that there is a fundamental over-all obligation to exhaust all peaceful means of

settling disputes before recourse shall be taken to any other method of settlement. I am not at all undertaking to relate that fundamental pledge to the mechanism. I am going back to the base upon which we have built the entire institution. I am saying that it is an act of utter bad faith, regardless of mechanism, for any member of the United Nations to resort to anything like the use of force before it has exhausted these mechanisms of peace.

So far as compulsion is concerned, the compulsion which may be involved is the compulsion of world opinion. I am one of those optimists who believe that when we mobilize the conscience of this world and make it vocal through the instrumentality of this fundamental document, we have exerted compulsion upon all members of the United Nations to maintain complete fidelity in their basic pledge to exhaust peaceful means before they undertake any other means in the settlement of disputes.

Mr. TAFT. I still maintain that the pledge to exhaust peaceful means before going to war is something that we recognized in the Briand Pact. That particular kind of a pledge is important. I would not wish to detract from the importance of getting all nations to agree to it.

I only say that when it is undertaken with an express stipulation, without breaching good faith at all, if anybody insists upon your submitting this to arbitration or anybody insists upon your not going to war you have a complete and utter right to veto either action and that changes the whole nature of the agreement, and what you have is simply what you had before, an agreement that you will not go to war without discussing the matter first with your opponent. I think that is an important pledge but I think it is a very insignificant thing compared to what the people of this country think that a League of Nations or this Organization is actually going to impose upon us.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. BURTON. I yield to the Senator from Vermont.

Mr. AUSTIN. I call attention to the fact that, in addition to that provision in the purposes and principles, which requires that members settle their international disputes by peaceful means, there is another ethical obligation declared in the following language which is found in article 2, subsection 2:

2. All members, in order to insure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present charter.

I regard that as a very broad undertaking, probably one of the broadest of this charter, and whatever might follow either an action initiated by the Security Council itself, or an action sought for by the parties to a dispute, whatever recommendation may be made by the Security Council I conceive takes great ethical force from this subsection 2 of article 2 of the charter.

Mr. BURTON. Mr. President, I thank the Senator from Vermont and I wish to express by appreciation to each of the Senators who have discussed this because I think it is important in determining the perspective in which we should look at this charter. Therefore, I wish at this point to read into the Record paragraphs 2 and 3 of article 2 on this subject. Paragraph 2 reads as follows:

2. All members, in order to insure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present charter.

Then paragraph 3:

3. All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

Then, Mr. President, article 33 converts that general obligation into concrete form by providing in paragraph 1:

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Then, Mr. President, let us follow that in the Record with article 37, paragraph 1, which says:

1. Should the parties to a dispute of the nature referred to in article 33 fail to settle it by the means indicated in that article, they shall refer it to the Security Council.

And paragraph 2 of article 37:

2. If the Security Council deems that the continuance of the disputes is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under article 36 or to recommend such terms of settlement as it may consider appropriate.

I believe, with the Senator from Michigan, that if the parties to the charter are proceeding in accordance with the fundamental point of view expressed in its terms, they will be guided in great measure by the recommendations of the terms of settlement made under article 37, and will not resort to war.

Referring again to the subject matter of the Security Council, in examining this feature further, we find that this exclusion of the parties in interest from such decisions is important not only in determining the terms of settlement to be recommended but also in determining the preliminary question as to whether or not the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security. Under article 37, this preliminary question is to be determined by the Security Council without the participation of the parties in interest.

Mr. FERGUSON. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. BURTON. I yield to the junior Senator from Michigan.

Mr. FERGUSON. Going back to the other discussion and to the point the Senator is now discussing, I am a little troubled about article 39 which uses these words and this sentence:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations.

Are those recommendations different from the recommendations mentioned in article 36 and article 37? If they are the same recommendations and cover the same subject, it would appear that the right of veto existed, but if they are different recommendations and there is one kind of recommendations in article 39 and another kind of recommendations in article 36 and in article 37, then in one case under articles 36 and 37 no veto exists, in fact no vote exists, and if no vote exists no veto can exist. What does the Senator say as to those words as they are used in article 36 and article 37 and also in article 39?

Mr. BURTON. I think it will be found that article 39, as it was explained during the testimony before the Committee on Foreign Relations and also from its text, is completely separated from article 38. Article 39 is in chapter VII, articles 36, 37, and 38 are in chapter VI. Under article 38 and article 37 to which we have just been referring the vote is without participation of the parties to the pending dispute. Under article 39 it is with the vote of the parties to the dispute. The language also is not the same. The preliminary question in article 39 is not whether it endangers the maintenance of international peace and security. The preliminary question is whether it amounts to a "threat to the peace, breach of the peace, or act of aggression." The members of the Council decide it by vote, as was borne out clearly in the testimony, and the veto power does apply. Then comes the language "shall make recommendations." To my mind that does not amount to the same thing as making recommendations appropriate under article 37. Under article 39 the Council makes recommendations to maintain and restore international peace and security, the intervening clause being "and shall make recommendations, or decide what measures shall be taken in accordance with articles 41 and 42, to maintain or restore international peace and security."

It can make recommendations to maintain and restore international peace and security, but, mind you, it comes under chapter VII dealing with the enforcement provisions and dealing with the vote of all the members, including the parties in interest, and therefore is an enforcement section as distinguished from an adjustment section.

Mr. FERGUSON. Mr. President, in other words, as I take it, the Senator from Ohio [Mr. BURTON] contends that article 39 being under the enforcement section in one of two ways, either by sanctions, as provided in one paragraph, or force, as provided in another paragraph, the word "recommendations" in article 39 is an entirely different thing from the word "rec-

ommendations" in the other two sections.

Mr. BURTON. It applies to a different course of action and contemplates the distinction between enforcement and peaceful adjustment.

Mr. FERGUSON. I thank the Senator for that explanation, because I think it now makes clear, at least in my mind, that the word "recommendations" as used in the various sections refers to entirely different recommendations.

Mr. BURTON. One is a recommendation of such terms of settlement as may be considered appropriate, and the other recommendation is to maintain and restore international peace and security.

Mr. FERGUSON. I think that is clear now.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. CONNALLY. Let me point out that it is not so much the difference in the recommendations as it is in the class of cases which are being dealt with. Under chapter VI we are dealing with peaceful settlements entirely, but when we come to chapter VII, the Security Council then begins to examine whether or not there is a threat to the peace, armed preparation, one nation massing its armies or getting its navies together. That is removed from the category of chapter VI. A threat to the peace is a different kind of dispute from that referred to in chapter VI. Under chapter VII it has gotten beyond chapter VI. It has gotten to the point where there is a threat of war, of violence, a threat to the peace.

Mr. BURTON. I thank the Senator from Texas.

Mr. VANDENBERG. Will the Senator from Ohio yield?

Mr. BURTON. I yield.

Mr. VANDENBERG. I wish to concur in what the able Senator from Texas [Mr. CONNALLY] has said, and also in the very accurate analysis of the Senator from Ohio [Mr. BURTON]. The moment we leave chapter VI and start into chapter VII we have started down the road to sanctions, and it is a totally different contemplation.

Mr. BURTON. I thank the Senator.

Referring again to the discussion with which I was proceeding as to the effect of article 37 in deciding what constitutes endangering the peace and security of the world, under article 37 this preliminary question is to be determined by the Security Council without the participation of the parties in interest. This is important because a set of circumstances which produces such a declaration by the disinterested members of the Security Council may have a great bearing upon the action of the individual nations in recognizing the danger to themselves involved in the continuance of the dispute. It may even have great weight with the President of the United States in determining whether the situation endangers the peace and safety of the United States to such an extent that he will be willing to use the armed forces of the United States to help preserve the peace and security of the world.

If the Security Council under article 37 shall have determined that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it then has express authority to take either of two important steps. First, it shall decide whether to take action under article 36, or second, to recommend such terms of settlement as it may consider appropriate. Article 36 has reference only to the authority of the Security Council to recommend appropriate procedures or methods of adjustment. This provision was contained in the Dumbarton Oaks proposals, and there was some ground for contending that the phrase "methods of adjustment" might permit recommendation of the terms of settlement. This ambiguity now has been completely removed because the jurisdiction of the Council has been expanded by the San Francisco Charter to include expressly the right to recommend "terms of settlement."

The Security Council, without participation of parties in interest, is thus afforded in all important cases an opportunity to recommend such terms of settlement as it may consider appropriate. This is a new and high point in the mechanisms of adjustment of international disputes by peaceful means. This is of such extraordinary importance to the world that even though the charter were to contain nothing else, this in itself could well justify its acceptance. This means that a mechanism is now available through which the highly responsible and carefully chosen representatives of 11 members of the United Nations, exclusive of any members which may be parties to the dispute, shall be able to recommend to the parties and to the world the terms of settlement by peaceful means of any dispute which shall be referred to them and which in their opinion is likely to endanger the maintenance of international peace and security.

THE SECURITY COUNCIL AS AN AGENCY FOR THE ENFORCEMENT OF PEACE

One striking difference between the Charter of the United Nations and the Covenant of the League of Nations is that the charter provides a much more effective mechanism for enforcing the decisions of international policy than was provided under the Covenant.

Part of this effectiveness is due to the fact that World War II has been truly a Global War. When the Allies shall have completely won it, there will be no one left on earth in a position successfully to resist enforcement of the decisions of the Allies if the Allies remain as united in peace as they have been in war. The Allies in this war have beaten back the greatest attack upon civilization in the history of mankind. Substantially the entire world has been engaged in this struggle and through it the Allies have won the undisputed championship of the world. The best way to retain this or any other championship is to retain the championship team intact and in condition. Chapter VII of the Charter of the United Nations provides a means for doing this.

Article 41 provides for the enforcement of decisions of the Security Council by the use of economic and other pressures. Article 42 reaches the high point of enforcement in the following language:

Should the Security Council consider that the measures provided for in article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of the members of the United Nations.

This is immediately followed by paragraph 1 of article 43, which provides:

All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

Mr. LANGER. Mr. President—

The PRESIDING OFFICER (Mr. FULLBRIGHT in the chair). Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. BURTON. I yield.

Mr. LANGER. Suppose the 400,000,000 people of India should decide to revolt against England. Is it the Senator's judgment that if the Security Council considered that that was a question which might involve the use of air, sea, or land forces in order to restore international peace and security, under article 42 they could send the armed forces into India?

Mr. BURTON. I think there are two points to be considered. I shall mention them, and then ask the Senator from Texas to make the official answer on the points.

The first point is that the Security Council shall determine the existence of a threat to the peace, breach of the peace, or act of aggression, before it can call for armed forces under article 42. Therefore it must determine that the revolt amounts to a threat to the peace, a breach of the peace, or act of aggression.

Then the question arises as to whether the revolution is an internal matter within a nation, to be determined outside of the Council rather than by the Council. I think there is a special provision which deals with that point. Has the Senator from Texas a reference to the point in the charter where it excludes from the jurisdiction of the charter domestic troubles which may arise within a nation?

Mr. CONNALLY. Mr. President, that appears in paragraph 7 of article 2, which I shall read, if the Senator cares to have it quoted.

Mr. BURTON. I should like to have it quoted.

Mr. CONNALLY. It reads:

Nothing contained in the present charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the members to submit such

matters to settlement under the present charter; but this principle shall not prejudice the application of enforcement measures under chapter VII.

The last phrase means that when a matter is essentially domestic, the Council cannot interfere, yet if it progresses to the point of bringing on a threat of war as between two nations, then the Security Council may take action. But as to the case posed by the Senator from North Dakota, I take it that a revolution in India would not be an international quarrel as between two nations; it would be a domestic matter within the jurisdiction of the British Commonwealth of Nations. I hope the Senator from Ohio agrees with that.

Mr. BURTON. I agree, and I thank the Senator.

Mr. MURDOCK. Mr. President, will the Senator from Ohio yield?

Mr. BURTON. I yield.

Mr. MURDOCK. Let us suppose that the same thing happens in a revolution such as that the Senator from North Dakota has suggested, as happened in our own Revolution, when France sent military help to the Colonies. Does the Senator take the position—and I should like to address this question to the Senator from Texas [Mr. CONNALLY] as well as to the Senator from Ohio [Mr. BURTON], that if a revolution occurs and another nation wants to step in and help the revolutionists, as France helped us in our revolution, that that would place the conflict in the status where the Security Council could then treat it as a war between nations and take action under the section referred to?

Mr. BURTON. I would say that when another nation steps in and fights an entirely independent nation, regardless of what the cause may be, whether it is in sympathy with the revolutionary group or what not, you may very well find yourself getting into what we call here a "threat to the peace" or "breach of the peace," or "an act of aggression," and thereby find the whole thing opened up. You cannot simply use the revolution as an excuse for getting into a war with another nation and not incur the penalties under the charter.

Mr. MURDOCK. Mr. President, will the Senator from Ohio yield again?

Mr. BURTON. I yield to the Senator from Utah.

Mr. MURDOCK. If I correctly understand the Senator, if a revolution is going on, let us say, in India—

Mr. BURTON. In other words, if it ceases to be merely a revolution and becomes a war between nations?

Mr. MURDOCK. Or if the revolution advances to the point where one or more nations are induced to come in and take sides, then it does reach the status where the Security Council could treat it as an activity sufficient to endanger the peace of the world, and step in under the section of the charter referred to.

Mr. BURTON. I think that that would readily lead into a situation where you put the whole machinery into operation of invoking a peaceful settlement before you get into a settlement by force.

I quote in this connection from paragraph 4 of article 2 which says:

All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

A nation will come close to getting into an international conflict if it enters upon one side or the other of a revolutionary conflict.

Mr. MURDOCK. May I suggest one other situation on which I should like to have the Senator's comment. Suppose civil war should develop in any member country, and while that civil war is in progress another nation should step in on one side or the other, but the civil war is still limited to the territory of the country in question; would that be a sufficient cause to warrant the Security Council to intervene?

Mr. BURTON. I think again the circumstances will have to decide the issue. If it endangered the maintenance of international peace and security the Security Council certainly could come in, and I should think it would be likely to reach that point as soon as one nation got into another's war, whether or not it was called a civil war or a revolution.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BURTON. I yield to the Senator from Michigan.

Mr. FERGUSON. I should like to ask a question regarding the word "peace" as used in article 39. The able Senator from Texas and the able Senator from Ohio have used the word "international" in connection with the word "peace." Is it because the charter is being made to cover the international situation that we interpret the word "international" in relation to the word "peace"?

Article 39 contains the words "of any threat to the peace." I noticed that the Senator from Ohio used the phrase "if it threatens the international peace." The next part of the sentence in article 39 is "breach of the peace, or act of aggression." Naturally we would say that "act of aggression" means the act of some other nation. But the words "threat to the peace" and "breach of the peace" may refer to an internal situation in a country rather than its international relationship to some other nation or state.

Mr. BURTON. I would interpret it as referring to international peace. For example, when we dealt with it under chapter VI we dealt with the question of the maintenance of international peace and security, and in article 43 of chapter VII where it says "all members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council" troops and so on, I think international peace is what is contemplated.

Mr. CONNALLY. Mr. President, will the Senator from Ohio yield to me?

Mr. BURTON. I yield to the Senator from Texas.

Mr. CONNALLY. Did the Senator from Michigan direct his question also to me?

Mr. FERGUSON. Yes, Mr. President; I did.

Mr. CONNALLY. Let me say to the Senator from Michigan that I concur in the statement of the Senator from Ohio [Mr. BURTON] that the use of the word "peace" in these paragraphs means, of course, international peace. It must always be borne in mind that the whole charter is a contract between nations, between independent peoples. It does not entertain jurisdiction as to individuals. It does not go within a country. The provision was read a while ago to the effect that domestic matters are not within the jurisdiction of the Security Council. So that when we speak of peace it is, of course, international peace as between two or more nations. I think that probably the use of the word "peace" in that place, and "international peace" in another place was merely the result of a lack of conformity in the text; or to make use of the two expressions rather than use the same terms over and over again. I concur thoroughly with what the Senator from Ohio has said.

Mr. BURTON. I thank the Senator from Texas.

Mr. FERGUSON. Mr. President, will the Senator again yield?

Mr. BURTON. I yield further to the Senator from Michigan.

Mr. FERGUSON. I want to say that I concur in the explanation given by the able Senator from Texas and the able Senator from Ohio, but I thought it may be well to clear the matter up now as a further answer to the question asked by the Senator from North Dakota, to make clear that the provision did relate to international peace rather than, for instance, to an internal struggle or internal trouble in a state.

Mr. BURTON. I thank the Senator from Michigan.

Mr. President, having in mind that I have just presented to the Senate the terms of article 42 and article 43 dealing with the making available of armed force, I may say that these sections in effect provide for the use of the allied forces on much the same basis after World War II as they have been applied during World War II. Article 45 makes an added provision to meet urgent military requirements by providing that members of the United Nations shall hold immediately available national air-force contingents for combined international enforcement action. A military staff committee is made responsible for the strategic direction of any armed forces placed at the disposal of the Security Council. Subject to the entry of the United Nations into the special agreements for providing these forces, these provisions of the charter will bring the full military effectiveness of the members of the United Nations to the support of the decisions of the Security Council that such action should be taken.

The practical value of these provisions is that the United Nations, through the Security Council, are for the first time enabled to count upon the cooperation of each other at an early stage of proceedings threatening the peace of the world. Through making such forces of each of the United Nations available upon call of the Security Council, each

of those Nations is enabled to rely upon each of the others. Thus, it becomes possible to bring to bear their combined forces at a time when such action might well preserve the peace of the world and defeat a campaign of aggression at its early stages, or even in fact before it had really started. This not only would be easier than at a later stage of the campaign, but it could be accomplished with a far less expenditure of life and resources than it could later, or perhaps it could be accomplished with no such expenditures at all.

Equally important as the actual effectiveness of this program of military action is the value of having its potentialities immediately available. It is to be hoped that the demonstrated availability of such force ready for use against those who might break the peace or commit an act of aggression will dissuade them from attempting to do so. In private life it is rare that even the most lawless outlaw will commit assault and battery in the immediate presence of a squad of competent policemen.

It is important, however, to appreciate the inherent weakness and as well the inherent strength of the provisions in this Charter for calling armed forces into action. Whatever action is taken by the Security Council to call upon such forces must be subject to the limitations of articles 27 and 39. Article 27 prescribes the voting procedure of the Council. It requires that for a decision on these issues there must be an affirmative vote of seven members of the Council, including the concurring votes of all of the five permanent members. This vote and this full concurrence is required even though the members that are to vote are themselves parties to the dispute. This is the rule of unanimity, or the general right of any one of the five permanent members of the Council to veto action of this kind by the Security Council.

Under article 39, the Security Council first must determine affirmatively the jurisdictional question of the existence of a "threat to the peace, breach of the peace, or act of aggression" before it decides upon the measures to be taken under articles 41 and 42 to maintain or restore international peace and security. The rule of unanimity applies both to the determination of the jurisdictional question and to the decision upon the enforcement measures to be taken after the Council has ascertained the existence of "the threat to the peace, breach of the peace, or act of aggression" justifying the taking of them.

On the negative side, this means that without the concurrence of at least seven members of the Security Council, including that of all of its permanent members, no affirmative action can be taken by the Council either on the jurisdictional issue or on the resort to enforcement measures. This provides for two kinds of veto. First it places a veto power in the hands of any five members of the Security Council, permanent or temporary, because any five can block the other six. This is a veto power available to any five of the small or medium nations on the Council, even against the votes of

the Big Five permanent members of the Council.

Likewise, it places a veto power in any one of the Big Five permanent members of the Council, even though that member be a party to the dispute and be involved in making the threat to the peace of the world.

The effect of these limitations is that while this mechanism for the use of economic or military force is an advance beyond any comparable mechanism set up in the League of Nations, it is substantially limited by its own provisions.

On the other hand, this mechanism makes readily available the combined armed forces of the United Nations to enforce the peace, provided that all the five permanent members of the Council, plus two of the others, agree that the occasion amounts to a threat to the peace, breach of the peace, or act of aggression, and to take military measures to stop it. Accordingly, as against nations that are not members of the United Nations and as against any of the 45 United Nations not included in the Big Five, this provides an agency of great significance and value. It is especially important because all the nations which were aggressor nations in World War II are excluded from the Big Five, and for the present are excluded from the United Nations organization. For the present, special provision is made in articles 53 and 107 to meet this emergency, and in the long run this armed agency will be at the least an important peace force ready for use against any aggression for which the aggressor nations may be responsible. This agency thus becomes, within certain limits, a new and effective force for peace as long as the Big Five remain united and as long as none of the Big Five is itself a breaker of the peace.

As viewed by the world in general, this produces an extraordinary agency because for the first time in modern history, by the vote of seven nations, the tremendous mobilized forces and facilities of the 50 United Nations may be called promptly into action to defend the world against a threat to its peace, a breach of its peace, or an act of aggression.

It is provided in article 44 that before the Security Council shall call upon a member of the United Nations, not represented on the Security Council, to provide armed forces in fulfillment of these obligations it shall "invite that member, if the member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that member's armed forces." This has been the so-called "No taxation without representation" clause. It contemplates, for example, that if Canada is not on the Security Council, and her armed forces are to be used to enforce the Peace, Canada shall be invited to participate in the decisions of the Security Council concerning the employment of Canada's armed forces.

This apparently means that Canada would have full participation, including a vote in the decision of the Council with respect to the use of Canada's armed forces, but she would not vote on the prior decision that armed forces are to

be used. She could not by her vote veto the decision to use such forces. The same right is granted to every other member of the organization in the Security Council in the event that its armed forces are to be used. None of these members, however, may participate in any decision of the Security Council except that which concerns the employment of contingents of its own armed forces.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. SALTONSTALL. I should like to ask a question which is perhaps theoretical, but which relates to a point which is not quite clear in my mind. Assume that our member of the Security Council should vote in favor of action by force, and that it was the unanimous vote of the five—

Mr. BURTON. The unanimous vote of the five, plus two others.

Mr. SALTONSTALL. Yes; so that action by force was decided upon. Then assume that the military adviser of our Security Council member does not approve of the means taken to prevent the aggression. In other words, assume that he does not approve of the strategy. Once the vote to go ahead has been decided, and all five members are agreed, can our member then, upon the advice of our military expert, reverse that procedure by use of his veto power; or once having agreed to go ahead, is a majority vote of the Security Council sufficient to work out the strategy involved, or must that also be decided by unanimous vote of the five?

Mr. BURTON. It is my understanding that the Security Council remains in command, in much the same way that the Commander in Chief of the United States forces remains in command; but he is given the assistance of a military staff committee, which is charged especially with strategic questions. But the Security Council is always the top deciding factor in the decisions both as to starting and stopping such action, and I suppose even in conducting the war in its own best judgment, subject to advice from its military committee.

I read from article 47:

ARTICLE 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

It seems to me to contemplate at all times that the Security Council is in command, but has the benefit of a military staff committee.

Mr. SALTONSTALL. Mr. President, will the Senator from Ohio yield further to me?

Mr. BURTON. I yield.

Mr. SALTONSTALL. I do not think I made myself clear, or else the Senator has not answered my question. I am trying to inquire whether our member of the Security Council will have a veto power on the strategy. In other words, can a majority vote, or a vote of seven of the Security Council, send our boys into a conflict if the United States military adviser advises our member of the Security Council that the means taken are insufficient and that there should be larger forces or a different strategy?

Mr. BURTON. There you run into the inherent weakness of a large body, namely, that it can act only by affirmative action, and affirmative action can be taken only by a majority. If one affirmative action is voted, there must be another affirmative action taken on the part of the Security Council, if some other step is to be taken. Any such further action would be subject to a veto. Four of the members of the Big Five could agree to initiate a certain policy, but another one of them could step up and could say, "I veto your policy."

Therefore, the veto would be against a change of policy, but the veto alone could not stop the continuance of policy.

Mr. SALTONSTALL. So there would have to be unanimity of action regarding the strategy or the operations; would there?

Mr. BURTON. There would be unanimity in the beginning. But, as in the case of any other large body, thereafter the action would have to be taken by majority vote. Once a certain course of action were initiated, the Security Council would have to continue along in that way until a majority vote for a different policy was authorized.

Mr. FERGUSON. Mr. President, will the Senator yield to me?

Mr. BURTON. I yield.

Mr. FERGUSON. I think the Senator from Massachusetts has raised an important point, namely, whether the votes in the Security Council on strategy questions are not votes under chapter VII, which gives the so-called Big Five the right to veto, and whether under article 47 the Security Council is not required again to decide a question by vote or whether that is permitted under that section. Certainly if it calls for a vote, it would appear that if it comes under chapter VII, that vote carries the right of veto.

Mr. BURTON. I concur in the views of the Senator from Michigan that whenever the Security Council acts, it has an inherent weakness. First it acts by a special majority of seven, which leaves a veto with five; at any time five objectors can stop it by that means. Within the seven there must also be all of the Big

Five powers, and if any one of them objects, no action can be taken. Therefore, there is an important limitation upon the affirmative action of the Security Council.

Mr. FERGUSON. Mr. President, will the Senator further yield?

Mr. BURTON. I yield.

Mr. FERGUSON. If such a vote is taken on any matter covered by chapter VII, then the right of veto exists; does it not?

Mr. BURTON. I think that is made clear by the terms of article 27 defining the voting powers.

Mr. President, referring again to the "no taxation without representation" provision, we find that article 44 calling for participation in the decisions of the Security Council by any member that is to provide armed forces, does not contemplate the participation in those decisions by members merely supplying facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

Mr. MURDOCK. Mr. President, will the Senator yield at this point?

Mr. BURTON. I yield.

Mr. MURDOCK. I am a little puzzled as to that particular section:

All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with the special agreement or agreements, armed forces, assistance, and facilities, including rights of passage.

I am wondering what language in that section, what phrase or what word, grants to the Security Council the right of occupation. Where the language "including rights of passage" is used, can that be construed by any stretch of the imagination to eliminate rights of occupation?

Mr. BURTON. I suppose "rights of passage" would refer to a moving operation, but I think the other language would be sufficient to cover occupation:

Special agreement or agreements, armed forces, assistance—

Which is rather broad—
and facilities—

Which also is rather broad—
including rights of passage.

Therefore, "facilities" must include more than "rights of passage," and must include whatever the word "facilities" may mean, and that includes a great deal.

Mr. MURDOCK. So I understand that the Senator takes the position that the words "assistance and facilities" are sufficiently comprehensive to justify the occupation of any country the occupation of which is necessary in carrying out the strategy of the Security Council.

Mr. BURTON. I do not rely on those particular words; but the entire chapter contemplates the doing of whatever is necessary to be done in order to maintain the peace.

Mr. MURDOCK. So the Senator takes the position, as I understand, notwithstanding the fact that the word "occupation" is not used there, that the language of the Charter is sufficient to war-

rant the moving of the United Nations or the Security Council into any country the occupation of which is found necessary in order to carry out its purpose.

Mr. BURTON. That is the point: Necessary for the purpose of maintaining international peace and security. You cannot fight just part of a war; you must fight it all the way.

Mr. MURDOCK. I thank the Senator.

Mr. CONNALLY. Mr. President, I should like to suggest to the Senator from Utah that the words "including rights of passage" were not in the original Dumbarton Oaks proposals, but were added at the request of a particular power—France, I am sure—on the ground that if the French forces were called on to take action, they might find it much more convenient, if they were going into Germany, to go through Luxemburg. That is what is implied by the words "rights of passage," namely, in order to facilitate military operations.

I do not think they really had in mind any special occupation, any more than would be necessary to get the troops to the correct objective. But of course "facilities" would include airfields and any other military paraphernalia.

Mr. BURTON. Mr. President, I may say that to my mind "facilities" might under some circumstances have a narrow definition; but once the word "facilities" is used in such a way that it includes "rights of passage," you immediately expand the kind of definition you give to "facilities" so that it is broad enough to cover practically any theater of operations.

Mr. MURDOCK. Mr. President, will the Senator further yield?

Mr. BURTON. I yield.

Mr. MURDOCK. We have found rights of occupation definitely useful in assembling troops and in accumulating matériel and all other war equipment; that has been found to be one of the most important factors in a war. I am very happy to have the point of view of the able Senator from Ohio concurred in by the able Senator from Texas, to the effect that there is no question that the Security Council has the right, in order to preserve peace or to enforce the peace, to occupy a country, as well as to pass through it.

Mr. BURTON. I agree. If I were to have any doubt about "facilities," I certainly would be satisfied by "assistance."

Mr. President, assuming, therefore, as a practical example, that the Security Council is not able to secure a settlement of an international dispute through the acceptance, by the parties to the dispute, of the terms recommended by it, but is able to gain the support of the Big Five, plus two other members of the Security Council, to the use of armed forces to preserve the peace, then there will be available such impressive air, sea, and land forces that the mere presence and availability of those forces will be a tremendous factor in maintaining the peace. It is to be hoped the demonstration of the readiness of those forces for united action will be sufficient to nip in the bud what might otherwise become another world war.

This statement of the limitations on the availability of these armed forces

illustrates that in the last analysis the strength of this provision and likewise the strength of this Charter depends upon the continued unity of the Big Five and upon their determination to maintain peace, justice, and security in the world. No one of the Big Five will join in calling out the armed forces of the United Nations against itself. In fact, no one of the Big Five probably would join in finding the necessary jurisdictional fact that any action or proposed action on its part constituted such a "threat to the peace, breach of the peace, or act of aggression" as would justify the Security Council in calling upon the armed forces of the United Nations to resist it.

This result is criticized by some as a weakness, because it makes it impossible for the armed forces of the rest of the United Nations to be used against one of the Big Five. On the other hand, this result is a source of strength for the Charter in that it gives absolute assurance to each of the Big Five that they will not be asked to use their armed forces in some military enterprise in which they do not concur.

For example, the United States cannot be required by the action of any of the other United Nations to use our military forces in any United Nations military campaign which we do not approve.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BURTON. I yield.

Mr. CONNALLY. The Senator from Ohio will no doubt recall that in the debate which took place in this Chamber on the League of Nations, one of the most compelling arguments against the League was, in effect, "If we adopt this Charter it will mean that we will send our troops to distant lands to fight in foreign wars without our consent." As it was so ably pointed out by the Senator from Ohio, under the veto provision we will not have to send our troops. I have had close contact with this question because I happened to be a member of the committee which dealt with the subject of the veto. Many of the smaller countries were bitterly opposed to the veto. I may say, however, that five nations on the Security Council represent 65 percent of the populations of all the United Nations. So it is not true that the big powers are tyrannizing the smaller countries, because the five nations do, in fact, represent the bulk of the peoples of the United Nations.

Allow me to suggest also that the small nations are the ones who will receive the greatest benefit from this Charter. It will be a haven to which they may resort in settling disputes. They could not compete with one of the big powers having great naval and military force. On the other hand, the five great powers do not need the smaller countries to protect them. As a matter of fact, if the five great powers, or only three of them, wish now, without any charter, to form a military and naval alliance for the purpose of controlling the world, they can do so. If there be a recalcitrant member of the Big Five we can deal with him better when he knows that he must sit at the table and discuss the questions involved.

Mr. BURTON. Is it not true that on the Security Council of 11 members, if 5 of the smaller members wish to prevent the rest from getting a majority of 7, they can do so and thereby stop the Big Five?

Mr. CONNALLY. Exactly. The Senator has put his finger on the point. The Big Five cannot do anything without at least 2 votes of the non-permanent members. Whenever those members desire to solidify their votes they can veto any action of the five permanent members of the Security Council. But, as I was suggesting a moment ago, at the present moment the great powers, or any 2 or 3 of them, by a military and naval alliance could control the destinies of the world, even though there were no charter. But we are much better off in having them in the organization so that we can call them in around the board and point out to them that they are threatening the peace of the world. We can bring to bear upon them the concentrated opinion of the world which will in most cases, I believe, deter them in carrying out any plans of aggression.

I thank the Senator from Ohio.

Mr. BURTON. I thank the Senator from Texas.

Mr. SALTONSTALL. Mr. President, will the Senator from Ohio yield?

Mr. BURTON. I yield.

Mr. SALTONSTALL. The distinguished Senator from Texas made the statement that the difference between the Charter and the League of Nations is that under the Charter our men may not be sent anywhere without our consent. I agree to that statement. But what I tried to bring out in my statement to the Senator from Ohio was that once the consent is given, we lose power over the method which we may wish to adopt in carrying out strategy, and that our men may be sent to countries where we will not want them to be sent, or they may be sent to any country in the world. We lose our veto over that situation, do we not?

Mr. CONNALLY. No, because the veto power must have already been exercised or waived. The power of veto cannot extend down through a military campaign. A nation may not veto some part of a campaign when it has been half completed, any more than in the army some of the troops may veto what the generals intend to do.

Mr. BURTON. We are today engaged in a great war. We had the veto power to remain out of the war. But, after we went into it the Joint Chiefs of Staff handled our armed forces from then on, and we had no individual veto power over what took place in the campaign of winning the war.

Mr. SALTONSTALL. That is why I say, under the provisions of this Charter, our men may be sent to some country to which our people at home may not want them to be sent.

Mr. CONNALLY. That would be true with respect to any cooperative effort in which we might indulge. It is true now. We are acting in conjunction with our allies. But, as I understood the original question, the time to exercise our veto is when we decide whether to take action. When we once decide in the affirmative, our veto right is exhausted. If the Se-

curity Council wants to reconsider the matter, and by a vote of seven recall the action which has been taken, well and good. But when we voluntarily support the furnishing of troops in order to meet a certain situation, we are then obligated to furnish our quota of troops, and there is no other way in the world in which it could be done. If we had a veto right which would enable us to stop in the middle of a campaign, any other permanent member of the Security Council would have a similar right. It could say, "We have been all right up to now, but we do not believe in going beyond a certain line, or attacking that particular territory, and we will veto it." Such procedure would be wholly impracticable, and would nullify any successful military or naval campaign.

Mr. BURTON. I thank the Senator. If we want allies, we must work together.

Mr. President, I want to point out that the other members of the United Nations cannot, without the approving vote of the United States, order the forces of the United States, or even their own forces, to proceed against the United States through the mechanism of the United Nations.

In other words, the armed forces of the United Nations to some degree correspond to the sheriff in our local governments, and it long ago was discovered that it is not practicable to require the sheriff to arrest himself. Under the laws of Ohio this contingency has been met by authorizing the coroner to arrest the sheriff that becomes necessary. In the international field there is no outside agency ready to be designated by the Charter to meet this contingency. It is hoped that through the pacific mechanisms of the Charter settlements of international disputes shall be reached, as far as possible, by peaceful means. Insofar as the Charter contemplates international disputes involving any of the Big Five, it relies upon making a settlement of that dispute by peaceful means. Ample provision has been made for the recommendation of terms of settlement of such a dispute through the action of the Security Council under section 37 of the Charter.

This provision shows also that it is essential to the use of the enforcing agencies of the Charter that the Big Five shall remain united if they are to use the economic or military forces of the United Nations under articles 41 and 42.

The Charter, therefore, reaches its limits as an enforcement agency and offers to the world no mechanism to meet the contingency where force shall be necessary in order to prevent one of the Big Five from breaking the peace or from committing an act of aggression. If such a tragic situation impends, it means that the world again faces the danger of war among the world's major nations. If this takes place, it may well lead to the destruction of civilization. It is, therefore, upon the faith of the peoples of the Big Five in the value of peace to themselves and to the world that the machinery of the Charter rests as its basic foundation. It is for this purpose that article 28 requires that the Security Council be so organized as to be able to function

continuously. Each member of the Council shall for this purpose be represented at all times at the seat of the Organization. This should contribute to the effective unity of the United Nations. If that faith dissolves to the point where one or more of the Big Five threaten the peace of the world, then there is nothing in the Charter to forestall by show of force that impending breach of the peace. In that event, the individual nations of the world, be they members of the Big Five or not, will align themselves, without regard to the Charter, in accordance with their desires and best lights. It is hoped that a sound basis for such an alignment will be clearly indicated by the preliminary steps taken by the United Nations in their effort to obtain a peaceful settlement of the dispute. It is hoped that the ends of justice will have been so clearly demonstrated by the terms of settlement recommended that there will be no need to force parties to reconsider their plans in the light of the military strength of the world.

In that event the nations of the world will be no worse off than without the Charter. In fact, the procedure under the Charter will have afforded to all nations a better opportunity to see the true issues of the then pending dispute than otherwise would have been the case.

It is our hope that such a demonstration of the merits of the case would lead the major strength of the world to settle itself with us, and us with them.

Whether such a realignment will place the major forces of the world with us or against us, there is nothing in the Charter that requires us at any point to yield our fundamental faith in man and in his individual right to be free that is the foundation of our Nation's policy.

CONCLUSION

In conclusion, Mr. President, the Charter, through article 37, provides a new and important means of recommending terms for the peaceful settlement of all disputes that are likely to endanger the maintenance of international peace and security. This is enough to make it welcome.

The Charter, through article 42, provides also a new and important mechanism for the mobilization of the economic and military force of the United Nations to resist any threat to the peace, breach of the peace, or act of aggression which seven members of the Security Council, including the Big Five, shall with the concurrence of the United States recognize and seek to resist. This also is ground for its welcome.

In addition to the great potentialities for peace which its many other features contain, the Charter thus presents these two realistic and vitally practical aids to the maintenance of international peace and security. The Charter at no point sacrifices our faith in the ideals of America. The Charter not only is consistent with the principles of our Declaration of Independence and our Constitutions, it adds to the strength of our position as a nation. It helps to establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure

the blessings of liberty to ourselves and our posterity.

The Charter does not approach close to utopia but it takes the road that leads toward rather than away from the practice of the Golden Rule among men and the recognition of the common brotherhood of man under the common fatherhood of God. That, Mr. President, is the road to peace on earth and good will toward men.

Mr. HILL. I suggest the absence of a quorum.

Mr. BUTLER. Mr. President, before the quorum call I should like to ask the Senator from Ohio a question or two, which will take only a moment.

The PRESIDING OFFICER. Does the Senator from Alabama withhold his suggestion of the absence of a quorum?

Mr. HILL. I withhold it.

Mr. BUTLER. First, I wish to say that I have appreciated greatly the opportunity of listening to the very able discussion the Senator from Ohio has made upon the Charter. There is one question that arises in my mind upon which he has not touched and concerning which I should like his opinion at this time. So far as I can see, it is assumed in the Charter as it is presented that everything is as it should be at the time of its acceptance. I should like to have the Senator's opinion upon the possibility of a review of conditions which perhaps have been decided between two nations before any acceptance of the treaty. Does any nation, party to an agreement of that kind, have the right of review under the Charter? In order to be perfectly explicit and plain, I wonder whether England could have under the Charter a review of its trouble with Russia, or Poland might be used as an example. Would the Senator care to express an opinion about that?

Mr. BURTON. I am looking for the reference in the Charter itself that deals with the scope of the question. I think there will be found in article 11 a reference to that type of situation dealing with the General Assembly. In paragraph 2 it says:

2. The General Assembly may discuss—

That is, when it reaches the discussion point—

The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any members of the United Nations, or by the Security Council, or by a state which is not a member of the United Nations in accordance with article 35, paragraph 2, and, except as provided in article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both.

Then in article 14 there is a special reference which I think was put in to cover the existing condition of things and to show that they could be gone into even though doing so involved a review of existing treaties. Article 14 says:

Subject to the provisions of article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of

the present charter setting forth the purposes and principles of the United Nations.

I understand that the Senator from Michigan [Mr. VANDENBERG] is the father of the phrase "regardless of origin," and that it was inserted for the purpose of making clear that whatever contributes to the impairment of the general welfare or friendly relations among nations, whether it be an existing treaty or a long-existing condition, it may be brought before the General Assembly.

Mr. BUTLER. Does the article to which the Senator has referred permit anything more than a mere discussion by the General Assembly?

Mr. BURTON. It leads to recommendations to the Security Council, and the Security Council, of course, may take up measures which are brought to it by members, and also nonmembers.

Mr. FERGUSON. Mr. President, will the Senator from Ohio yield?

Mr. BURTON. I yield.

Mr. FERGUSON. I wish to call the attention of the Senator from Ohio to article 107, and ask him if he does not think that would have an effect upon the answer to the question propounded by the Senator from Nebraska.

Mr. BURTON. That relates particularly to those questions arising out of the Second World War. It is under chapter XVII, relating to "transitional security arrangements," therefore having to do with immediate conditions. Article 107 reads as follows:

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the governments having responsibility for such action.

Mr. BUTLER. Let me ask, then, whether that precludes Finland, Poland, and a number of the other smaller nations bringing before the Council consideration of their disputes.

Mr. BURTON. I think they could bring their disputes before the General Assembly. Whether that body would take them up I think it would then depend on whether or not their disputes would impair the general welfare or friendly relations among nations. I would think they would have an opportunity, therefore, to get results.

Mr. WHITE. Mr. President, will the Senator from Ohio yield?

Mr. BURTON. I yield.

Mr. WHITE. My recollection is that it was testified before the committee that the General Assembly might ask a review of any matter which had in it a threat to the peace of the world, and that it made no difference whether the situation arose out of an existing treaty or from other circumstances; in any event, whatever the origin or source of the danger, that the General Assembly might recommend to the Security Council a course of action with respect to the matter.

Mr. BURTON. I agree with what the Senator from Maine has stated. And it would relate not only to those questions which might involve a threat to the

peace of the world, but I call attention to the following language of article 14:

Any situation . . . which it deems likely to impair the general welfare or friendly relations among nations—

Which is even broader.

Mr. SMITH. Mr. President, would the Senator construe article 14 as taking the place of the old article 19 of the League of Nations Covenant, which provided for the revision of treaties which might become burdensome? I have heard criticism to the effect that the present document does not take care of those cases, but I assume from what the Senator has said that article 14 would cover the kind of cases which were supposed to arise under article 19 of the League Covenant.

Mr. BURTON. I am sure the Senator will find it expressly stated in the hearings before the Committee on Foreign Relations the opinion that article 14 would apply to situations arising out of treaties or anything else.

Mr. LUCAS obtained the floor.

Mr. HILL. Will the Senator yield?

Mr. LUCAS. I yield.

Mr. HILL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Alken	Guffey	O'Daniel
Andrews	Gurney	O'Mahoney
Austin	Hart	Overton
Ball	Hatch	Pepper
Barkley	Hawkes	Radcliffe
Bilbo	Hayden	Revercomb
Brewster	Hickenlooper	Robertson
Bridges	Hill	Russell
Briggs	Hoey	Saltonstall
Brooks	Johnson, Colo.	Shipstead
Buck	Johnston, S. C.	Smith
Burton	Kilgore	Stewart
Bushfield	La Follette	Taft
Butler	Langer	Taylor
Byrd	Lucas	Thomas, Okla.
Capehart	McCarran	Thomas, Utah
Capper	McClellan	Tobey
Chandler	McFarland	Tunnell
Chavez	McKellar	Tydings
Connally	McMahon	Vandenberg
Cordon	Magnuson	Wagner
Donnell	Maybank	Walsh
Downey	Mead	Wheeler
Eastland	Millikin	Wherry
Ellender	Mitchell	White
Ferguson	Moore	Wiley
Fulbright	Morse	Willis
George	Murdoch	Wilson
Gerry	Murray	Young
Green	Myers	

The PRESIDING OFFICER (Mr. THOMAS of Oklahoma in the chair). Eighty-nine Senators have answered to their names. A quorum is present.

Mr. LUCAS. Mr. President, the total military casualties in World War I were estimated at 37,000,000 men. The total military casualties in World War II, up to the 1st of May 1945, were estimated at some 14,000,000 dead. 45,000,000 wounded or captured, and that does not include the millions upon millions of civilian dead, maimed, and missing, as a result of the inhuman and bestial attitude of the enemy. In addition to the human casualties, the devastation and destruction of property and natural resources cannot be estimated.

Churches, schools, cities, factories, personal belongings, works of art have been destroyed on a scale that is difficult for man to comprehend. The Nazi slave

creed scattered families of conquered nations throughout the length and breadth of Europe. That unfortunate group of people will never recover. Their spirits are broken. Their minds are shattered. Here in our own America, we have casualties of slightly over a million men, including 293,547 dead and missing.

Mr. President, civilization has painted no darker picture throughout the ages. The great question that is now posed before mankind throughout the world is—can we prevent this thing from happening again? Can we stop World War III, which in all probability, will destroy civilization, including the unparalleled progress this country has made during the last 300 years?

Mr. President, we all realize that we are no longer an isolated republic protected by the grim hands of nature. We stand in the valley of the shadow of two wars, our own shores practically untouched, our peaceful way of life totally undisturbed, other than for the sorrows, the heartaches, the yearnings of mothers and fathers, families, and friends of those who are doing battle that America might survive. But if that third war should come, we shall see robot bombs and other weapons capable of reaching every point of the earth. No power in this world can save America from catastrophic ruin and disaster if war comes again.

Mr. President, I am not so naive as to believe that the San Francisco Charter standing alone will prevent aggressors from making war. A world that has experienced war from the stone age will not eradicate it overnight by merely signing a well-considered document designed to keep the peace. Upon the good will, the good faith, and the friendly understanding that these nations exhibit toward one another in their economic, social, and political lives, depends the peace of the world. That the Charter is a noble and far-reaching step in that direction no one can successfully challenge. This is the type of world unity that excites and commands the attention of mankind.

Therefore, Mr. President, I am not disturbed by the unparalleled unity in the Senate upon the charter. In my saddest hour in the United States Senate I saw unparalleled unity as we voted for war against the unspeakable Jap when he treacherously stabbed us at Pearl Harbor. It was during that same week that Germany and Italy declared war upon us. We accepted the challenge with a unanimous vote in the Senate. It was unparalleled unity of the United Nations that brought victory over the so-called unbeatable Nazis. It is such unity that will soon bring a decisive defeat to the cruel Nipponese across the sea. I submit that it will take the same degree of unparalleled unity and sincerity to bring to a tortured world the blessings of an everlasting peace.

Mr. President, the importance of this document cannot be overestimated. I am convinced that this is the beginning of a lasting and durable peace. And if my prophecy proves to be correct, the Charter will rank among the greatest

documents of history. Therefore, let no Senator vote for this collective peace measure with complacency and indifference. Let no one vote for it because he believes it politically dangerous to do otherwise. Let no one vote for this world document, with all of its solemn implications toward keeping the peace, with the belief that some day when the implementing statutes and the special agreements come to us for congressional action then will be the hour to draw the military teeth from this new international agreement.

Now is the time to advise the nations signatory to this pact, as well as the people of America, what the Senate of the United States understands this charter to mean. If there are those who have reservations or amendments, now is the time to present them. The people of this country will want to know how every United States Senator interprets the Charter at this moment, and not a year hence when the special agreements come to us for congressional action.

Senators who are truly for this great effort should support it with a crusading spirit, remembering always that this is only the beginning. As I said before, no Charter for peace standing alone can remove the scourge of war. Sovereign nations must have the will to do and the will to dare if the threats to universal peace are to be removed. There must be a deep and abiding conviction among all nations signatory to this treaty that unless permanent peace becomes a reality, civilization is threatened.

Obviously, the leaders of the 50 nations meeting in San Francisco recognized this basic truth. In the midst of war they produced a world Charter for international peace and security, which meets the hopes and aspirations of peace-loving peoples throughout the earth. Whether this Charter will bring universal respect for an observance of human rights, fundamental principles, and fundamental freedoms for all without distinction as to race, sex, language, or religion; whether the overriding purpose of the Charter to maintain international peace and security is achieved; whether the corrective measures for the prevention and removal of threats to peace are accomplished—depend in a great measure upon what we do in the United States Senate, now and in the future.

The world still remembers what the Senate failed to do when the League of Nations was before it for ratification. It still looks upon this legislative body with doubt and skepticism and well it might, in view of what happened 25 years ago. The opportunity is now before this legislative body to correct the mistake that was committed at that time. We can regain for the United States Senate the confidence of the Allied Nations by demonstrating now that we are a group of forward-looking Americans who believe firmly in world cooperation. In so doing, we also justify the faith the American people have in this Charter for world peace. They know, and we know, that only through world cooperation can we save our liberty and freedom, the like of which no other nation on earth enjoys.

Mr. President, what is in this document which made history at San Francisco? What principles and policies are involved that would draw 50 nations together in an agreement of this character?

In briefly discussing the four fundamental instruments contained in the charter, I shall take up the General Assembly first. The General Assembly will be composed of a delegate from each of the 50 nations. The delegates' responsibility will be to discuss, debate, initiate studies, and make recommendations for the purpose of promoting international cooperation, peace, and security. They are permitted under the Charter to bring before the General Assembly any dispute, regardless of its origin, which is likely to impair the general welfare, or which threatens the peace of the world.

I think the best descriptive term applied to this group was given to the Senate by the distinguished senior Senator from Michigan [Mr. VANDENBERG] when he said that the General Assembly as now constituted represents "the town meeting of the world."

I can see in this Assembly some of the world's most learned and distinguished citizens. I can easily visualize how the prestige of its public debates and the power of its recommendations before the world would have a tremendous influence upon the acts of the Security Council. The Assembly, participating in a world forum, would make great strides in the promotion and the encouragement of respect for human rights and fundamental freedoms.

Mr. President, let me discuss briefly the second instrument of the charter, which is the Social and Economic Council. It is significant that members to the charter pledged themselves to take joint and separate action in the promotion of higher standards of living, full employment, and conditions of economic and social progress and development. It is recognized by men of good will throughout the world that we must, in addition to winning the military victory which spells freedom from fear, also win an economic and social victory which spells freedom from want. And so the future development of the economic and social foundations of peace become of the utmost importance. That is one of the main reasons, Mr. President, why I vigorously supported the trade agreements, the Bretton Woods proposal, the Food Conference, and the Export-Import Bank. Certainly these economic measures go hand in glove with the peace charter now pending before the Senate. To my way of thinking, any other position is wholly inconsistent and utterly indefensible.

It must be obvious to all that world economy must be stabilized. It must be expanded. The cutthroat economic warfare of the past must give way to economic cooperation. Nations must strive to cooperate with one another in order to eliminate depressions. One of the best ways to outlaw war is to outlaw depressions. If we are to provide jobs for millions in our armed forces when they return and maintain the standard of

prosperity to which American people are accustomed, it is necessary that we aid in restoring the rest of the world to permanent good health.

Mr. President, another one of the fundamental instruments to keep the peace involves the International Court of Justice found in chapter XIV of the Charter. The world understands the leading position of the United States throughout its history in advocating the judicial settlement of international disputes. We have always respected the codes of international law, and even in this war when the Nazis and the Japs violated every principle of international law, we kept the faith. We have done so, not without criticism and complaint, and at times it seemed that such criticism was justifiable. But I am certain that, as the years roll by, the manner in which we respected our obligations under international law will place us high on the roll of honor, dignity, and respect with the nations of the earth.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. FULBRIGHT. The Senator from Illinois mentioned international law. Does he really feel that that is the correct way to describe the little customs which some of us are in the habit of observing? I do not believe that there is a real international law, in the sense that we use the term "law" domestically. Does the Senator think there is such a thing?

Mr. LUCAS. I do not quite follow the Senator.

Mr. FULBRIGHT. The Senator mentioned international law.

Mr. LUCAS. We had international law when this war started, and we have observed it. Other nations have not. That is the point I am making.

Mr. FULBRIGHT. Does not the Senator believe that the word "law" implies some compulsion?

Mr. LUCAS. Absolutely.

Mr. FULBRIGHT. Therefore it is a misnomer to refer to customs in the international field as law. As I understand, what we are seeking is the establishment of international law, and this is one of the means to do it. Is not that the Senator's feeling?

Mr. LUCAS. That is correct. We have had international law in the past; but when the test came the enemy paid no attention to international law. We have always observed it. We are now entering into another covenant under which we hope and pray that all nations will observe international law.

Mr. FULBRIGHT. The fact that in this charter such jurisdiction is not compulsory has been urged as one of the reasons why we should accept it. Nevertheless, I feel—and I wonder what the Senator's feeling is—that eventually, looking down the years, we hope to develop it to a point where all nations will accept it, and it will be compulsory. Is that the Senator's feeling?

Mr. LUCAS. The Senator is correct. I share his view.

Mr. President, under this charter, the court is to be composed of 15 judges; yet no 2 of the judges may be nationals of

the same state. They shall serve for 9 years at The Hague, the seat of this international court.

It should be remembered that the jurisdiction of the court is only optional and that a state, for example, seeking the interpretation of a treaty, or the arrest of a dispute under international law, may make a declaration to that effect and submit its case to the jurisdiction of the court. The decision of the court is thereafter binding upon the parties thereto.

Mr. HATCH. Mr. President, the Senator does not wish me to do what I am about to do, but he is now starting on a most important discussion. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Illinois yield for that purpose?

Mr. LUCAS. I yield.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Guffey	O'Daniel
Andrews	Gurney	O'Mahoney
Austin	Hart	Overton
Ball	Hatch	Pepper
Barkley	Hawkes	Radcliffe
Bilbo	Hayden	Revercomb
Brewster	Hickenlooper	Robertson
Bridges	Hill	Russell
Briggs	Hoey	Saltonstall
Brooks	Johnson, Colo.	Shipstead
Buck	Johnston, S. C.	Smith
Burton	Kilgore	Stewart
Bushfield	La Follette	Taft
Butler	Langer	Taylor
Byrd	Lucas	Thomas, Okla.
Capehart	McCarran	Thomas, Utah
Capper	McClellan	Tobey
Chandler	McFarland	Tunnell
Chavez	McKellar	Tydings
Connally	McMahon	Vandenberg
Cordon	Magnuson	Wagner
Donnell	Maybank	Walsh
Downey	Mead	Wheeler
Eastland	Millikin	Wherry
Ellender	Mitchell	White
Ferguson	Moore	Wiley
Fulbright	Morse	Willis
George	Murdock	Wilson
Gerry	Murray	Young
Green	Myers	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

The Senator from Illinois has the floor.

Mr. LUCAS. Mr. President, now we come to the all-important instrument of the charter—the Security Council—the cornerstone of world security. Obviously every Senator knows that the United States, along with France, Russia, England, and China, have permanent seats on the Council. The world knows that the maintenance of peace under this charter depends primarily upon the unity of these five great powers. The importance of the Security Council can be understood when one realizes that it remains in continuous session. That is as it should be. Under this arrangement, the members will have a day-to-day opportunity to study the pulse of the world and be prepared to take whatever remedial measures are necessary to stop a fight before it starts.

It is fortunate that the Security Council is given such a wide range of power in the settlement of disputes between nations which might lead to international friction. Its responsibility is more or

less twofold. In the first place, nations to this agreement definitely obligate themselves to seek a solution to a dispute between States, first by negotiation; second, by mediation; third, by conciliation; fourth, by arbitration or judicial settlement, or other peaceful means of their own choice. If these measures fail, then the Security Council decides what measure, next to using force, is necessary to obtain a peaceful settlement. This may include partial or complete interruption of economic relations, of rail, sea, air, postal, telegraphic, radio, and other means of communications, and this action may even go so far as to sever diplomatic relations with the nations involved.

If these measures short of force fail, then the Security Council may take such action through its armed forces by air, sea, or land forces, as may be necessary to maintain or restore the national peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of the members of the United Nations.

Mr. President, this is all predicated upon the theory that each and every nation will solemnly and seriously comply with article 43 of the Charter, which says—this is the important part:

1. All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council on its call and in accordance with the special agreement or agreements, armed forces, assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be approved.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and members or between the Security Council and groups of members, and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Mr. President, there has never been in all the history of time an article like this one. This is an innovation in the field of international law. This is a new step in the development of our foreign policy. This makes the Charter more than a debating society as was the League of Nations. Here is something that has teeth to keep the peace of the world.

There can be no misunderstanding upon the part of some of us at least as to what this provision actually means.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. DOWNEY. I am most happy that the distinguished Senator from Illinois has emphasized this issue, in view of the confusing discussion which took place on the floor of the Senate yesterday afternoon. So far as the Senator has now gone I wish to express my entire agreement with what he has said respecting the supreme importance of this particular obligation which was taken

by the nations when they signed the Charter. I am sure that our obligation to equip and maintain military forces for the Security Council may be consummated by a simple majority of both Houses rather than by treaty.

Mr. LUCAS. I am grateful to the Senator for his statement.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TUNNELL. I ask the Senator if, under article 43, of chapter VII, of the Charter, there is not a plain obligation which is taken as a part of this treaty? Leaving out some of the words of description, the language to which I refer reads as follows:

All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, * * * armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

Yesterday there was a great deal of discussion on the subject of whether or not this implementation should be by agreement or by treaty. I wish to ask the Senator this question: Is not what I have read a plain obligation in the treaty itself regarding what is to follow?

Mr. LUCAS. The Senator from Illinois definitely believes so, and he will take up that point in a moment.

Mr. TUNNELL. I thank the Senator.

Mr. LUCAS. Mr. President, I would be derelict in my duty to my country and to mankind if I did not set forth in this debate in clear and unequivocal language my interpretation of the phrase, "in accordance with their respective constitutional processes" in article 43.

I recognize and appreciate the reputation of Mr. John Foster Dulles, of New York City, as an international lawyer. As a patient in the naval hospital, I was unavoidably absent when he testified before the Committee on Foreign Relations. When I read his testimony, I confess I was greatly disturbed and somewhat surprised at his rigid interpretation upon the provision regarding what would be necessary to be done under our constitutional processes by way of ratifying the military agreement between this country and the Security Council.

Here we are today in the midst of the ratification of a treaty according to the constitutional requirement of a two-thirds vote. Certainly no one will disagree that this is a treaty. No one is proceeding upon any other theory. When we adopt this charter with article 43 contained therein, we are imposing upon this Nation a sacred and solemn obligation to make available to the Security Council armed forces, assistance and facilities, to maintain international peace and security. All that will remain to implement this obligation which we assume is the negotiation of a special agreement fixing the exact number and types of the forces and their degree of readiness and general location.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. McCLELLAN. In that connection it seems to me that the controversy arises over whether an additional instrument to be negotiated between the Security Council and member nations, must, under our Constitution, be ratified by the Senate as a treaty.

Mr. LUCAS. That is correct.

Mr. McCLELLAN. Or whether we should authorize, with the necessary power, the furnishing of the military forces by simple resolution passed by both Houses.

Mr. LUCAS. Yes.

Mr. McCLELLAN. That is the controversy.

Mr. LUCAS. I agree with the Senator.

Mr. McCLELLAN. What is the Senator's interpretation of that point?

Mr. LUCAS. If the Senator please I shall come to the point in a moment.

Mr. President, the position of Mr. Dulles before our committee is that this special agreement must come back to the United States Senate, not as an agreement, but as a treaty to be debated upon, changed, limited and whittled down if you please, unless two-thirds of the United States Senators can say otherwise. In other words, under the theory of Mr. Dulles, we today are ratifying a treaty out of which would grow another treaty, and perhaps another treaty that would have to be ratified by a two-thirds vote of the Senate.

The point I want to reiterate is that when we pass this charter, we obligate ourselves to the other nations signatory to this pact to supply military forces to engage in international police work in order to avoid war. I submit that the details of this commitment such as the exact amount of the forces to be contributed and the places where they are to be stationed, is not a matter for treaty consideration, but it is a matter solely for legislative sanction by the Congress of the United States. I base my conclusion upon article 1, section 8 of the Constitution of the United States which provides the powers of Congress with respect to the control over our armed forces. Paragraph 12 of this section says that the Congress has the power to raise and support armies, but no appropriation of money for that use shall be for a longer term than 2 years. Paragraph 13 says that the Congress has the power to provide and maintain a navy. Paragraph 14 says that the Congress has the power to make rules for the government and regulation of the land and naval forces.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. McCLELLAN. As I understand, the emphasis in article 43 was placed on what is termed an agreement. It does not have to be a treaty. The language does not refer to a treaty, but to an agreement, and the Congress may agree by legislation as to where our armies and navies shall be sent. A treaty with another country is not required in order that we may determine where and in what strength our armed forces may be sent for any purpose.

Mr. LUCAS. I agree with the Senator. How insensible it would be for us to vote today on a treaty which will require another treaty being made at some time in the future.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. HATCH. I merely want to say that the Senator's statement is so correct that I cannot conceive of any misunderstanding of it whatever. Why should we make a treaty today to make another treaty next week?

Mr. LUCAS. That is the point which I have tried to make.

Mr. HATCH. It is entirely unthinkable.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. FULBRIGHT. I agree completely with what my colleague the senior Senator from Arkansas has stated. I should like also to point out that these collateral agreements will be of a changing nature. As the development of armies and naval forces takes place it will call for changes in the agreements. That is a matter which could be handled by Congress. That would fortify the conclusion which I think the Senator has reached.

Mr. LUCAS. The Senator is correct about that. I am referring to the absurdity of having a treaty submitted a week from now and another treaty in another week, depending upon the changes which the Senator has suggested might come about. It seems to me absurd to think that when we enter into a treaty today we will have to enter into another treaty tomorrow, and perhaps another treaty the next day.

Mr. FULBRIGHT. With further reference to Mr. Dulles' statement, I cannot help but believe, although I cannot prove it, that that point had not been carefully considered. He answered it and no one challenged the particular answer, and it passed.

Mr. LUCAS. I cannot say whether the point was carefully considered or not. The only thing I can do is to read the record and consider it, but, according to the testimony of Mr. Dulles before the Committee on Foreign Relations, he said the American delegation had discussed it and had agreed upon it outright at San Francisco.

Mr. MAYBANK AND Mr. OVERTON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield, and, if so, to whom?

Mr. LUCAS. I yield first to the Senator from South Carolina [Mr. MAYBANK].

Mr. MAYBANK. I wish to ask the distinguished Senator from Illinois if he does not believe that the clause of the Constitution which he read concerning the military and naval forces would also apply to technical developments, because today we are faced with the great developments in destructive power through the activities of technicians who are not connected with the Army and Navy in certain countries.

I thoroughly concur in the view that a joint resolution should be sufficient, be-

cause, after all, it is the Congress that appropriates the money to make possible the Army and Navy, and it will be the Congress that will appropriate the money to make available these developments, perhaps even outside the Army and the Navy of tomorrow. Furthermore, it is the Congress that has the power to tax under our Constitution to make available the funds to operate the military establishments and to make military agreements possible.

Mr. LUCAS. The Senator is correct, and when he speaks of appropriations I might say there is a section in the charter which provides that each nation shall determine the amount of money necessary to enable the General Assembly and the Security Council to operate. Obviously that must come back to the United State Congress for approval. Certainly no one would want to say that an expenditure needed to carry on the functions of this organization would have to come back here and be passed upon by the Senate as if it were a treaty. Yet it is necessary first to have the money to operate before the military forces come into being.

Mr. OVERTON and Mr. HILL addressed the Chair.

Mr. LUCAS. I yield first to the Senator from Louisiana.

Mr. OVERTON. Is it not true that the Congress of the United States has the constitutional authority without any treaty, without any agreement with any other nation to send its armed forces to any part of the world and have them fight in any part of the world?

Mr. LUCAS. It has been done more than a hundred times.

Mr. OVERTON. It necessarily follows, does it not, from the constitutional power vested in the Congress of the United States, not only to make rules and regulations with respect to the military and naval forces of the United States but to declare war?

Mr. LUCAS. That is correct.

Mr. OVERTON. It requires no treaty whatsoever and no agreement with any nation for the Congress of the United States by resolution to determine that its armed forces shall invade any country in the world.

Mr. LUCAS. That is correct, if the property or life of an American citizen is involved.

Mr. OVERTON. Whether it is involved or not, we have the unquestioned and unlimited authority to send our armed forces anywhere in the world.

Mr. LUCAS. I would not go so far as the Senator from Louisiana goes.

Mr. OVERTON. I am not talking about moral right, but about constitutional right.

Mr. LUCAS. Under the Constitution the President is bound to execute faithfully the laws of the country and to protect the lives and liberty and property of the American people and also to carry out faithfully the execution of treaties. In so doing he, of course, can send the forces of this country anywhere, and it has been done more than a hundred times without any act of Congress. The classic example is the Boxer Rebellion, when President McKinley sent, as I recall, approximately 10,000 troops to

China without any sanction by Congress, and lives were lost as a result.

Mr. OVERTON. Mr. President, if the Senator will yield further, I was not addressing myself to the power of the President but to the power of the Congress.

Mr. LUCAS. Congress can do anything it wants. I agree to that; I fear I misunderstood the Senator.

Mr. OVERTON. I understood the point was made that before we could send our armed forces anywhere it would require either a treaty or an agreement. It does not require a treaty or an agreement, but the Congress of the United States can exercise the power itself.

Mr. LUCAS. I misunderstood the Senator. I thought he was talking about the power and authority of the President of the United States as Commander in Chief, under the Constitution.

Mr. OVERTON. I understood from what the able Senator said, that the point was made that it would be necessary to have a treaty or an agreement before we could send our forces anywhere. It is not necessary to have either a treaty or an agreement.

Mr. LUCAS. This is an innovation in our foreign policy, and we are going to validate it by going through with these agreements of course, but, in the main, I agree with what the Senator from Louisiana says.

Mr. HILL. Mr. President—

Mr. LUCAS. I yield to the Senator from Alabama.

Mr. HILL. The Senator from Illinois has stressed the matter of appropriations to carry out our commitments under the Charter. We will have to provide certain funds for the operation of this organization, and of necessity there will have to be a supplemental act after the ratification of this Charter. I do not think the Senator has said that the funds would be provided or could be provided by a treaty and simply by action of the Senate. Surely for an appropriation, there would have to be joint action of the two Houses of Congress. What we are doing when we put troops at the disposal of the Security Council is very much the same as when we place funds at the disposal of the organization. Is not that true?

Mr. LUCAS. I agree with the Senator, and it is just as logical to say that the question of providing funds will have to come before the Senate of the United States and be ratified as a treaty as to say that the employment of troops will have to be submitted in the form of a treaty and ratified as such.

Mr. HILL. If the Senator will yield further, I think an examination of the testimony of Mr. Dulles will disclose that while he felt the action making armed forces subject to the Security Council would have to be taken, or would be taken, by a treaty, yet action by the two Houses was not suggested by him or by anyone else. The distinction that he seemed to make, as I heard his testimony and read it, was as to whether or not the President could do this without any action by Congress, or certainly by the two Houses of Congress.

Mr. LUCAS. Let me say to the able Senator from Alabama that I am not contending that the President of the United

States could do this by executive agreement.

Mr. HILL. I understand that.

Mr. LUCAS. I am contending that it must be done by joint resolution of the two Houses of Congress.

Mr. HILL. I understand that. The point I wanted to make was that an examination of the testimony of Mr. Dulles would lead us to feel that, in his opinion, the issue was an issue as between a treaty on the one hand and an executive agreement on the other without full consideration of the question of action by the two Houses.

In that connection, to substantiate what I have said, as the Senator recalls from reading the testimony of Mr. Dulles, the question was raised through interrogation of Mr. Dulles by the Senator from Colorado [Mr. MILLIKIN]. This is what the Senator from Colorado said to Mr. Dulles:

You are definitely of the opinion that the special agreement referred to will have to be handled by supplemental treaty rather than by an executive agreement?

Then, the Senator from Colorado after that question and another short question had been answered, said:

But I direct your attention to the fact, if you please, that there is a large field of opinion that this sort of thing can be handled under our constitutional processes by executive agreement as distinguished from treaty.

So I think the fundamental issue about which Mr. Dulles was talking was whether or not the President would have the power to enter into agreements for making the armed forces subject to the disposal and use of the Security Council, or whether there would have to be some action by the Congress of the United States. It was not a question as to whether it should be by treaty on the one hand or joint action by the two Houses on the other. The fundamental, a question in which of course everyone has a most important interest, was whether the President could place troops at the disposal of the Council without some action by Congress.

Mr. LUCAS. I partially agree with the able Senator from Alabama that Mr. Dulles had in mind, of course, an executive agreement rather than a joint resolution by Congress. On the other hand, the evidence is clear and convincing that Mr. Dulles definitely told the committee that the military agreement to be entered into under the Charter must come back to the Senate for ratification, which means—and he said so definitely—a two-thirds vote; and that is the important issue.

Mr. HILL. The Senator is absolutely correct, but I wanted to bring out the fact that action by the two Houses really did not enter into the discussion before the committee.

Mr. LUCAS. The Senator, I believe, is correct in that conclusion.

Mr. FULBRIGHT. Will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. FULBRIGHT. I desire to inquire of the Senator whether, when he passes from the question whether the agreement must be carried out by a treaty or a joint resolution, he is going to discuss the power of the President, then, to utilize it.

Mr. LUCAS. Yes, I shall discuss that in the course of the debate.

Mr. FULBRIGHT. Then, I shall wait until the Senator reaches that point.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. MAYBANK. I thoroughly agree with the Senator from Illinois, not only as a question of appropriating money, as he agreed with me a while ago, that it must be by joint action, but also as to the provision in section 7 of article I of the Constitution for raising whatever revenues might be necessary to continue the appropriations for the armed forces which perhaps might be needed for the action he is discussing.

Mr. LUCAS. No one disputes that that is a congressional function.

Mr. MURDOCK. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. MURDOCK. I do not wish to disturb the trend of the Senator's thought, but I should like to recall the discussion to what I understood Mr. Dulles to say before the committee. As I understood Mr. Dulles, he was discussing as part of the question the powers of Congress in case of a declaration of war as distinguished from the powers of the President as the Commander in Chief. If I understood what Mr. Dulles said, it was that it might be appropriate and helpful for the Congress to determine by legislation and by legislative definition the scope of those two separate powers.

Mr. LUCAS. I shall discuss that after I finish with the particular point I am now discussing. I have that in mind.

Mr. MURDOCK. If I may make one further suggestion, Mr. Dulles referred to the scope of the agreement that is contemplated to be entered into, I care not whether by treaty or by whatever other means would be taken. I hope that in his further remarks the Senator will outline to the Senate what the scope of such an agreement would be, whether it would be absolutely limited to what is set out in the Charter, and if we live up to the Charter, could not go beyond that scope.

Mr. LUCAS. I thank the Senator. I shall develop that as I proceed.

Mr. MILLIKIN. Mr. President, will the Senator be kind enough to yield to me for two observations before he takes his seat?

Mr. LUCAS. I shall be glad to do that.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TUNNELL. I will ask the Senator to stress what is apparently so clearly set out in section 2 of the article he is discussing, which it seems to me shows clearly all that is to be done. It is to be an agreement to furnish "armed forces, assistance, and facilities, including rights of passage," when the Charter is ratified.

Mr. LUCAS. Yes.

Mr. TUNNELL. The number and the kind and the places are to be determined by an agreement, and the agreement is to have at least the suggestion of the Security Council, which is not yet in existence. Consequently there is left the possibility of the Security Council being taken into consideration to deter-

mine these little matters and show what they need.

Mr. LUCAS. I concur in the positive observations made by the Senator from Delaware.

Mr. ELLENDER. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. ELLENDER. I am somewhat confused. Is it the Senator's view that any action taken by the Senate in the future so as to carry out the purposes of the charter, after we ratify it, that such action is to be considered in the nature of a treaty?

Mr. LUCAS. No; the Senator is wrong.

Mr. ELLENDER. I am glad to have an unequivocal answer from the Senator. It strikes me that Mr. Dulles has abused the use of the word "treaty." By ratifying this Charter, the Senate is putting our Nation on record that we will back our representatives who will serve us in the organization, and if and when agreements are presented to us as provided in article 43, that we will pass upon them by way of a simple act or resolution by the Congress. Such agreements are to be made by and with the consent, help, and approval of our representatives in the organization. In a measure, the Congress will be called upon simply to give legal effect to agreements, of which we are parties by virtue of our membership in the organization. That may be a broad view of the situation. However, since the agreements are to be made by and with the consent of the Council, and since we have veto powers as permanent members of the Council, I entertain the hope that the executive, as well as the legislative, department of our Government will be kept informed respecting any proposed agreements.

Mr. LUCAS. If the Senator will read his testimony—I understand he read a prepared statement before the committee, although I was not present—the Senator will immediately perceive that Mr. Dulles did not make any mistake so far as Mr. Dulles was concerned. In other words, his testimony is definite and positive upon this point, and that is why the Senator from Illinois is speaking today.

Mr. ELLENDER. Be that as it may, Mr. President, I cannot agree with Mr. Dulles that all of these agreements are treaties. That would imply ratification by the Senate by a two-thirds vote.

Mr. LUCAS. I thank the Senator, and I am very happy he agrees with the position I take.

Mr. McCLELLAN. Will the Senator yield further?

Mr. LUCAS. I yield.

Mr. McCLELLAN. Mr. President, if the Senator from Illinois will yield, I merely wish to make the further observation that irrespective of whether the action has to be taken by treaty or joint resolution of the two Houses, after having ratified the Charter we shall have incurred the basic obligation under it to furnish troops.

Mr. LUCAS. Definitely so.

Mr. McCLELLAN. We shall still retain control in the Congress, whether by treaty or by resolution, to determine the number of troops we shall supply.

Mr. LUCAS. The Senator is correct.

Mr. McCLELLAN. We are not surrendering everything.

Mr. LUCAS. The Senator is correct. The only argument I am making at this particular moment is that when the agreement referred to comes before us, it will not come to the Congress as a treaty, it will come to us as an agreement to be ratified by concurrent resolution of the two Houses.

Mr. McCLELLAN. I think the Senator is absolutely correct in that interpretation. I merely wanted to emphasize that in either case the Congress still would have ultimate control.

Mr. LUCAS. That is correct.

Mr. GEORGE. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. GEORGE. I do not wish to divert the Senator from Illinois, and I assume he has not finished his statement on this matter, but I do not think there is any question about Mr. Dulles' statement. Indeed, Mr. Dulles undertook to say that the whole American delegation concurred in his view, and he made it very clear. Nor was he confused in his consideration of executive agreements as against a law or treaty, as is shown by what took place. I propounded a question to Mr. Dulles, after he had been questioned at great length by the very able Senator from Colorado [Mr. MILLIKIN]. I read from page 475 of part 5 of the hearings:

Senator GEORGE. Mr. Dulles, speaking of the agreement or agreements which are to govern the numbers and types of forces and the degree of readiness and general location and the nature of the facilities and assistance to be provided, as set out in article 43, subsection 2, is it your opinion that the United States in making available to the Council military contingents would restrict the place of the use of the forces—aside from the question of whether we could want to?

If I may trespass a little further—

Mr. LUCAS. I am very happy to have the Senator do it.

Mr. GEORGE. I continue to read from the hearings:

Mr. DULLES. There is no doubt in my mind but what we can do that.

Senator GEORGE. Aside from the wisdom of doing it. I quite agree that it would be an unwise thing, from my point of view, but I simply wanted your view on that question.

Mr. DULLES. I have no doubt that it can be done and I have no doubt that in a number of states it will be done.

I propounded this question of Mr. Dulles:

If Congress should subsequently in an implementing statute insert any provisions restricting the use of the military force made available to the Security Council, that would not, in your judgment, bring us into collision with any affirmative grant or any affirmative obligation that we have assumed under this treaty?

It will be noted that I spoke of a statute.

Mr. DULLES. No. You speak of doing it by statute. The procedure will be by treaty—agreements submitted to the Senate for ratification.

Then I propounded the following question:

But it might become necessary for the Congress, or the Congress might deem it ad-

visable to implement by purely domestic law, certain conditions that would apply to the representative of the United States or persons whom the United States should select.

Mr. DULLES. If that were desired, Senator, I would think the wise thing to do would be to make provision for that in your basic military agreement which will come before the Senate for ratification.

In other words, you may assume commitments by that treaty which you could not honorably thereafter alter merely by statute. If you contemplate their alteration subsequently by statute, it would be wise, I think, to make provision to that effect in the basic military agreement.

I have read this, Mr. President, for the purpose of emphasizing the thought that was in my mind when I propounded these questions to Mr. Dulles, and I do not think there is any doubt about his position, nor do I think there is any doubt that he was careful to distinguish between statutory laws, treaties, and executive agreements, because the Senator from Colorado had previously directed Mr. Dulles' attention to Executive orders.

Mr. President, I desire to call attention to something that seems to me to be very significant. When we read article 43 it will be observed that—

All members of the United Nations * * * undertake to make available to the Security Council, on its call—

And so forth—
armed forces.

There is the international obligation. There undoubtedly is an obligation taken upon our part which cannot be whittled away or watered down by any subsequent action of Congress unless we repudiate the treaty.

Then we find in paragraph 2 of article 43:

Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

But this is what I wish to call to the especial attention of the Senate:

3. The agreement or agreements—

And they are to determine what military commitments we are to make—

The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between—

Note the language—

between the Security Council and members or between the Security Council and groups of members.

Which is equivalent to saying that they shall be concluded with individual nations or groups of nations, but always by the Security Council—

and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Mr. President, unless by some refinement of reasoning it can be said that the Security Council is an agent of the several nations we are reduced to the absurdity that the Security Council, which is simply a division of the United Nations Organization, is entering into an agreement which must be treated here as a treaty.

There is no opposite party to the treaty, so to speak, unless by some great refinement of reasoning we can say that the Security Council is standing in the shoes of and is representative of other nations. But that is not true at all. The simple agreement is between the Security Council and no other nation, except by implication, save as all the nations are acting to further a common cause—but the agreement itself is with the Security Council and with the individual nation.

I apprehend that the great difficulty arises out of the use of these words "and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes." The constitutional process which may be applicable may be a treaty, may be a simple statutory enactment or resolution, or it might be an executive agreement. Any one of them would fall certainly within the clear definition of "constitutional processes" under our Constitution.

But what I wanted to call attention to particularly was that the agreements in question cannot possibly be rightly considered as treaties, looking to the clear intent, because they are not made with other sovereign nations, but they are made with a division of the organization which we are setting up under this treaty.

Mr. LUCAS. Mr. President, I want to thank the able Senator from Georgia for the position he takes in connection with the interpretation of the Charter. I believe the Senate will agree with me that there are few lawyers in this country better grounded in international and constitutional law than is the distinguished Senator from Georgia. He was a member of the supreme court of his State before he came to the Senate. Time after time we have heard him use his fine talents in making great legal arguments on the floor of the Senate. I am delighted to know that the Senator from Georgia agrees with me upon this great question now in debate.

Mr. TUNNELL. Mr. President, will the Senator indulge me for one more observation?

Mr. LUCAS. Yes.

Mr. TUNNELL. Is it not true that when this treaty is ratified we have an obligation? We have already assumed that obligation. Suppose there never is an agreement of any type, we are still under obligation to furnish the forces provided in this treaty. Is that not true?

Mr. LUCAS. I will say to the Senator from Delaware, that in my opinion, when we ratify this Charter under article 47 we are legally and morally bound to furnish forces of some kind or character to help keep the peace of the world.

Mr. TUNNELL. As the Senator from Georgia says, what follows is simply an agreement as to the number, and where they are to be placed.

Mr. LUCAS. Definitely so. Under the constitutional process, that agreement cannot be anything but a concurrent resolution, to be handled by the Congress. It is asinine and ridiculous to say that we are making a treaty today for the purpose of making another treaty tomorrow. That is the position which Mr. Dulles takes. I agree with the Senator from

Georgia that Mr. Dulles was not confused before the Committee on Foreign Relations.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. TAFT. I did not wish to let the statement go without expressing the opinion that I disagree with that conclusion. It seems to me that the agreements referred to are agreements between all the nations. They are merely supplementary agreements, which I fully agree we are obligated to enter into. I think we must enter into them in good faith after we have ratified this Charter. But when we do enter into such an agreement, it seems to me that it becomes a supplement to the main agreement. It is an agreement then between all the nations, and not merely with the Security Council. We are obligated to the other nations just as much to furnish a particular force covered in a supplementary agreement as we are obligated to conform to other provisions in the general treaty. So while I do not differ entirely with the Senator's conclusion, it seems to me that such an agreement can be a treaty, and I think it was obviously intended to be referred to as a supplemental treaty. Personally I think it should be. It is an essential part of the whole undertaking. If the Senate passes on the first part of it, I do not see why it should not pass on the supplemental part in the same way. I do not feel very strongly on the subject, but I believe that Mr. Dulles' opinion is correct. I merely wish to make that statement for the RECORD.

Mr. LUCAS. Mr. President, I regret that I cannot agree with my distinguished friend from Ohio. I feel very strongly about it, because now is the time for Senators to determine what this Charter means. We should not wait for a year or a year and a half, when conditions will be different. I do not want to see any Senator withhold judgment until a year and half from now, and when one of these agreements comes before us, use the then existing conditions as a basis for defeating in the Senate the purposes of the treaty which we are now considering, by attempting to get a third of the Senate to override an agreement which we are morally bound to make and carry through. That is what I am fighting for today. It is important. It is the real meat of this situation. We should enter into this agreement with no misgivings. We either go in, legally and morally bound to carry out chapter VII, or we should not go into it at all. We ought to know now what we are doing.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Utah.

Mr. THOMAS of Utah. I should like to supplement the statement of the Senator from Illinois by saying that when we enter into this agreement, and when the United Nations Charter becomes a treaty accepted by us, the whole of that treaty becomes a treaty, and not merely a part of it. We agree to every provision in it when we accept it. Therefore, to follow the logic of the Senator from

Georgia, the treaty becomes the supreme law of the land.

Mr. President, how do we implement our agreements under treaties when those treaties become the supreme law of the land? We do it by various methods. Every method which is open under the Constitution for the implementation of an agreement is open, of course, for the implementation of this agreement.

As the Senator from Georgia pointed out, it does not make any difference how it is done, so long as it is done in accordance with our constitutional scheme. The acceptance of a treaty does not in any sense set aside the ordinary practices under the Constitution of the United States. It will depend very much upon circumstances. It will depend very much upon the weight of the thing which is to be considered. It will depend very much upon the negotiations antecedent to it, and it will depend very much upon how the proposal is submitted to us by the President of the United States, for whom our representatives are acting.

The point I wish to make is that with the acceptance of this agreement as a treaty, we do not in any sense modify our fundamental constitutional practices, and we can use all of them in exactly the same way we have always used them to implement treaties.

Mr. LUCAS. Mr. President, I am deeply obligated to the Senator from Utah for the contribution which he has made. I should like to add something to what he has said.

Sometimes it seems to me that when we are debating a treaty, we discuss it in perhaps too light a manner. This is not like a routine piece of legislation which comes before the Senate. This is something serious, solemn, and sacred.

Article VI of the Constitution of the United States provides, as follow:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Think of it. The treaty becomes the highest law of the land. We should keep this clearly in mind as we discharge the duty of our offices in acting on the proposal before us today. When we enter into this treaty we ought to do so with an understanding of the spirit of the Constitution, which makes treaties the supreme law of the land, as I have just read.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. BARKLEY. I wish to express my complete agreement with the position taken by the Senator from Georgia [Mr. GEORGE] a moment ago. Although I was not present at San Francisco, and did not, of course, participate in the discussion which occurred there among the American delegates or the delegates as a whole in regard to the processes by which the nations would finally agree upon their quota of military forces to be made available to the United Nations Organization,

it strikes me, on the surface, as being significant that, while the Constitution empowers the President, with the advice and consent of the Senate, to enter into treaties—and it uses the word "treaties"—the treaty which we are now considering provides that agreements to be entered into between the Security Council and the respective nations are to be ratified according to the respective constitutional processes of each nation. That provision must have contemplated some difference between the technical term "treaty" as used in the Constitution, and the word "agreement" as used in the United Nations Charter.

In that connection, many learned writers take the position that the use of the "device," as they call it, of executive agreements to get around a two-thirds vote in the Senate has been in practice so long that it has almost become confirmed as a part of our constitutional processes. We entered into a treaty with Hawaii before Hawaii was incorporated into the United States. At that time Hawaii was an independent nation. We entered into a treaty of annexation with Hawaii. That treaty failed of ratification in the United States Senate, and then, by joint resolution, Hawaii was annexed to the United States by a majority vote in both the Senate and the House of Representatives.

As the Senator from Texas pointed out yesterday, we did not ratify the Treaty of Versailles. We had gone into that war against Germany by a joint resolution, requiring a majority vote of the two Houses of Congress. We had refused to ratify the Treaty of Versailles. Following that refusal, we declared peace with Germany by a joint resolution requiring only a majority vote of the two Houses of Congress.

All I seek to do and all I wish the Senate and the United States Government to do is to preserve its right, when the time comes for us as a nation to decide upon our method of ratification of the agreement set out in the Charter, so that we shall be free to do it according to our custom and our constitutional processes, and in that process I do not think we are limited to a technical treaty or to an agreement or to an executive agreement or to a joint resolution. We shall determine that when the time comes.

We have three alternatives, if we may use the word "alternatives" in connection with three choices: We may determine to do it by treaty, if the President submits it to us in that form, in which case the Senate alone will act. We may do it by joint resolution, in which case both Houses of Congress will act. If we can go into war by joint resolution we can get out of it by joint resolution—which we have done heretofore.

The only point is that I do not wish to have the Senate of the United States and the Government of the United States foreclosed in advance, no matter what the language in the Charter may be and no matter what anyone's interpretation of it may have been as an individual in his testimony before the Committee on Foreign Relations. I think we are free and will remain free to act upon it in the

light of our own interpretation of constitutional processes. I wish to have us remain free to do that.

While it has no particular reference to the vote that will be taken upon the Charter itself, I think it might as well be stated that if anyone is lying in ambush to nullify or "submarine" this agreement, whether he is going to vote for it or against it now, he might as well have foreknowledge of the fact that we do not now commit ourselves or foreclose ourselves in respect to that proposition when it is submitted to us in the implementation of the treaty which we are now about to confirm by ratification.

Mr. AUSTIN, Mr. VANDENBERG, and Mr. WHEELER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield, and if so, to whom?

Mr. LUCAS. I shall yield in a moment, but first I should like to make a brief reply to what the Senator from Kentucky has said.

I know the Senator from Kentucky is sincere in what he says. Insofar as I am concerned, I wish to make clear today that I do not wish to be foreclosed, when an agreement comes to the Senate later, by anything in the hearings before the Committee on Foreign Relations, insofar as the testimony of Mr. Dulles is concerned. That is why I am now making a record on this question.

I did not want the record made in the hearings on this question to stand without challenge, thereby giving to those who believe Mr. Dulles is right the opportunity to say when the agreement comes before us, "Why didn't you, Senator, at the time the Charter was debated on the floor of the Senate, challenge the position of Mr. Dulles? As a result of your silence, you are bound now; you acquiesced in it."

Mr. President, I am not going to be bound or foreclosed by the record so made.

Mr. BARKLEY. Mr. President, will the Senator further yield to me?

Mr. LUCAS. I yield.

Mr. BARKLEY. What the Senator has just said is precisely the reason why yesterday, when I discussed the treaty, I undertook to say that not only did I not foreclose myself, but I hoped the Senate would not foreclose itself.

I have great respect for Mr. Dulles. He is an able lawyer and a patriotic citizen, and he rendered outstanding and distinguished service as an adviser to our delegation at San Francisco. I am frank to say that I was somewhat surprised at the statement he made in the hearings, namely, that we were limited to a treaty, in the form of a treaty which would require a two-thirds vote. I was surprised at that statement. Then when I heard the chairman of the committee say that the matter was not discussed among the delegation at San Francisco, I felt that Mr. Dulles was expressing his own individual opinion, probably on the spur of the moment in answer to a question; and I did not want that more-or-less ex parte and spontaneous answer to a question to be interpreted as binding me, and I do not think it binds the Senate.

Mr. LUCAS. Mr. President, let me say in reply to the Senator from Kentucky that I have great respect and admiration for Mr. Dulles and I wish to pay tribute to the patriotic service he rendered to the American delegation at the San Francisco Conference. But I have a right to disagree with Mr. Dulles, which I am doing in, I hope, a dignified way, just as I enjoy the right to disagree with the Senator from Kentucky, which I do occasionally, when I think he is wrong.

Mr. BARKLEY. Of course, the Senator not only enjoys that right, but he exercises it. [Laughter.]

Mr. LUCAS. Yes; I do that occasionally.

Mr. BARKLEY. I may have stuck out my neck yesterday in intimating that I did not altogether accept that interpretation.

Mr. LUCAS. If the Senator from Kentucky stuck out his neck yesterday, what does he think I have done today?

Mr. BARKLEY. Well, there is a physical difference between my neck and the Senator's whole body. [Laughter.]

Mr. AUSTIN. Mr. President, will the Senator yield to me?

Mr. LUCAS. I yield to the Senator from Vermont.

Mr. AUSTIN. Mr. President, I do not believe we have to interpret the Constitution in order to find in it the difference between a treaty and an agreement. I have heard Senators say repeatedly that there is nothing in the Constitution about an agreement. All I wish to do is to point out where in the Constitution that our forefathers recognized the difference between a treaty and an agreement. I shall do so in one second.

Article I, section 10, paragraph 1, reads as follows:

No State shall enter into any treaty—

I omit the rest of it.

Then if we go down in the same section to paragraph 3, we find the following:

No State shall, without the consent of Congress * * * enter into any agreement or compact * * * with a foreign power.

In other words, the Constitution precisely recognizes the difference.

Mr. LUCAS. Mr. President, I thank the Senator from Vermont for calling my attention to the Constitution in connection with that question.

Mr. WHEELER and Mr. VANDENBERG addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Illinois yield; and if so, to whom?

Mr. LUCAS. I yield first to the Senator from Montana.

Mr. WHEELER. Mr. President, I do not know to whom the remarks of the Senator from Kentucky were directed when he talked about lying in ambush. I simply wish to say that I take it that any Senator has a right to disagree either with Mr. Dulles or with anyone else. After all, neither Mr. Dulles nor the Senator from Illinois nor the Senator from Kentucky can bind Members of the Senate of the United States at any time or under any condition.

But I wish to call attention to the fact that I do not think anyone is lying in ambush. If that statement was aimed at me, I resent it.

Mr. LUCAS. Mr. President, I do not see how the Senator can say that. I need not defend the Senator from Kentucky, who is momentarily absent, but I cannot see how the Senator from Montana can charge that the Senator from Kentucky was laying that remark at his door.

Mr. WHEELER. I understand.

Mr. President, I wish to say that Mr. Dulles, in addition to the statement which has been referred to, also said the following:

It is clearly my view, and it was the view of the entire United States delegation, that the agreement which will provide for the United States military contingent will have to be negotiated and then submitted to the Senate for ratification in the same way as a treaty.

The following then occurred:

Senator MILLIKIN. I should like to ask if that is the opinion of the chairman of the committee.

The CHAIRMAN. It is most certainly the opinion of the chairman of the committee.

Mr. President, there can be no question about it. Both Mr. Dulles and the chairman of the committee made that statement; and as I understand the statement of the Senator from Michigan [Mr. VANDENBERG], he concurred in that view.

There were the members of the delegation who were at San Francisco and there was Mr. Dulles, who was at San Francisco as an adviser to the American delegation. The chairman pointed out what great service Mr. Dulles had rendered. We all concede that he is a great international lawyer. He has perhaps had more experience as an international lawyer than most Members of the United States Senate have had because the field of international law has been his particular business for a long time.

While we are on the subject, Mr. President, I wish to invite attention to another statement which was made. The Senator from Georgia said:

Mr. Dulles, speaking of the agreement or agreements which are to govern the numbers and types of forces and the degree of readiness and general location and the nature of the facilities and assistance to be provided, as set out in article 43, subsection 2, is it your opinion that the United States in making available to the Council military contingents would restrict the place of the use of the forces—aside from the question of whether we could want to?

Mr. DULLES. There is no doubt in my mind but what we can do that.

Senator GEORGE. Aside from the wisdom of doing it, I quite agree that it would be an unwise thing, from my point of view, but I simply wanted your view on that question.

Mr. DULLES. I have no doubt that it can be done and I have no doubt that in a number of states it will be done.

When Mr. Dulles was speaking of states he was referring to countries.

I continue reading:

Senator GEORGE. And that would not bring us—if Congress should subsequently in an implementing statute insert any provisions restricting the use of the military force made available to the Security Council, that would not, in your judgment, bring us into collision

with any affirmative grant or any affirmative obligation that we have assumed under this treaty?

Mr. DULLES. No. You speak of doing it by statute. The procedure will be by treaty—agreements submitted to the Senate for ratification.

Senator GEORGE. That is true with respect to the force, but it might become necessary for the Congress, or the Congress might deem it advisable to implement by purely domestic law, certain conditions that would apply to the representative of the United States or persons whom the United States should select.

Mr. DULLES. If that were desired, Senator, I would think the wise thing to do would be to make provision for that in your basic military agreement which will come before the Senate for ratification.

In other words, you may assume commitments by that treaty which you could not honorably thereafter alter merely by statute. If you contemplate their alteration subsequently by statute, it would be wise, I think, to make provision to that effect in the basic military agreement.

Senator GEORGE. But aside from where it should be made, it is your opinion that a limitation of that kind could be consistently with the obligations assumed under the Charter, inserted?

Mr. DULLES. There is no doubt in my mind whatever as to that. Many of the smaller member states already are clear in their own minds that they will not agree to make contingents available except for use in relatively near areas. Whether or not a great power wants to do that is a question of policy. As to the fact that it may do it, there is no doubt whatever in my mind.

The Senator from Vermont [Mr. AUSTIN] later said:

I would like to have you refer to page 198 of the report to the President, article 43. This provides in section 1:

"All members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call; and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security."

Is there anything inconsistent in that provision with the interpretation you have just stated to the effect that an individual nation like the United States might impose a limitation on the area in which its armed forces could be assigned to duty?

Mr. DULLES. No. In my opinion, Senator AUSTIN, the phrase that they are "to be made available in accordance with a special agreement or agreements" enables the states to make any conditions which they want to attach, and I would think it quite probable that even the great powers, while they would probably want to make some forces available for use anywhere, that there would be some understanding whereby they would at least supply the preponderant force in the areas of their proximity.

I know that many of our Latin-American friends expect that we will, for instance, supply the bulk of any military contingent that is to operate in this hemisphere.

Mr. WHEELER. I continue reading:

Some of them are very much opposed to have the European contingents operate in this hemisphere, and if that view should be carried out, it might very well make provision for the fact that certain powers in Europe would not have contingents available in this hemisphere for use. That is a possibility.

But this whole matter must be explored much more fully than was the case at San Francisco. This has all got to be worked out by military people, and when that treaty

comes back here it will impose problems considerably more difficult than those that are imposed by the ratification of this Charter. There are a number of problems still ahead which will raise problems, as I say, more difficult than are raised by the Charter itself.

The question of these military contingents, the possible question of fixing by statute the area within which the President can act without the authority of Congress, or a system perhaps whereby there would be joint action or joint control by the Congress and President; the question of what territories, if any, will be put under the trusteeship system—those are problems that you are going to have to work with in the future, and they will raise difficulties which are greater than any that are raised at the present time.

But the fact that there are difficulties concerned is no reason for not taking the first step. There are always going to be difficulties ahead, and when you solve the first batch, there will be a new crop around the corner.

Senator WILEY. Mr. Dulles, in connection with the questions just raised by Senator AUSTIN, I want to ask you whether you interpret the terms "special agreement or agreements" to be synonymous with the word "treaty" as we understand it?

Mr. DULLES. I do.

Mr. President, when we talk about the position which will be assumed by the United States, we must take into consideration that Mr. Dulles said at San Francisco that many of the states, particularly the South American states, raised the very question which has been raised here. The question was whether or not, under the terms of the treaty, states could be compelled to send forces, subject to the International Organization, to places which the International Organization might direct. Then we would come to the question of Canada and Australia.

Mr. LUCAS. I am not discussing that question at this time. I am discussing only the question of whether the agreement should come back to the Senate for treaty ratification. I believe that the South American countries do not have much interest in that question.

Mr. WHEELER. So far as I am concerned, whether the agreement comes back as a treaty or in some other form, to be passed upon by both Houses of Congress, it is a matter which will be passed upon by the President and the Congress when the agreement comes back.

Mr. LUCAS. That is correct; and I wish to have any future Congress understand what my interpretation is upon this vital point at the hour of consideration of and action upon the treaty.

Mr. WHEELER. I understand the Senator's desire.

Mr. President, I invite attention of the Senate to the fact that at the hearings it was undisputed that the entire American delegation, including Mr. Stettinius and every other representative of the United States who was present at the Conference, felt that the matter should be in the form of a treaty, and the chairman of the committee said that he agreed to such an understanding.

Of course, I appreciate the fact that there are persons who would wish to give the President absolute power to send troops anywhere.

Mr. LUCAS. I do not wish to become involved in that phase of the discussion, because I am not arguing with the Sen-

ator from Montana, and I am not taking the position which he has pointed out. I desire to continue my remarks on the particular point which I was discussing, and after that I should like to proceed upon another matter. I do not wish to debate with the Senator the question which he has raised because at the moment it is not an issue.

Mr. WHEELER. The point which the Senator makes is that he does not agree with Mr. Dulles that the agreement must come back in the form of a treaty, but, instead, that it may come back as an agreement to be passed upon by both Houses of Congress.

Mr. LUCAS. That is correct. That is the point I make now. I have another point I shall make a little later, which the Senator may wish to discuss. He discussed it yesterday.

Mr. WHEELER. That is the only difference between the Senator from Illinois and Mr. Dulles, as I understand.

Mr. LUCAS. That is the only difference for the moment.

Mr. WHEELER. At the moment?

Mr. LUCAS. Yes.

Mr. WHEELER. The Senator disagrees not only with Mr. Dulles, but he disagrees with the interpretation of the chairman of the delegation, and he disagrees with the interpretation made by the Senator from Michigan [Mr. VANDENBERG].

Mr. VANDENBERG rose.

Mr. LUCAS. Of course, the Senator from Michigan can speak for himself, and I do not wish to interpret or misinterpret the language he used yesterday in the colloquy with various Senators. He is going to speak for himself in a moment, but I gleaned from what he said yesterday that he believes there are other constitutional processes besides the ratification by treaty.

I now yield to the Senator from Michigan.

Mr. VANDENBERG. Mr. President, inasmuch as this discussion very largely involves the interpretation of the distinguished Mr. Dulles' attitude, it occurred to me that it might be a unique recourse to find out what Mr. Dulles thinks by asking him. He has a habit of speaking very plainly for himself. So I have just talked with him on the telephone. I shall do the best I can to reflect his statement to me.

He called attention to the fact that the sole issue presented to him in the hearings was a choice between a treaty on the one hand and a Presidential Executive order on the other. In other words, it was a choice between Presidential power and congressional power. The questions submitted to him by the Senator from Colorado were constantly questions directed to "executory" agreements. I assume and he assumed that meant executive agreements by the President, without consultation with Congress.

As I understand, it continues to be Mr. Dulles' attitude that the agreements contemplated should be made by treaty, but that he has never passed upon the question of whether there may not legitimately be an alternative choice between a treaty and a joint resolution by Congress; that the only thing upon which he

has been undertaking to speak is the basic question as to whether or not this authority must rest in Congress, either by treaty or by joint resolution, rather than whether it may rest in the exclusive authority of the President of the United States. Mr. Dulles, as I understand him, is asserting the fundamental and controlling doctrine that this agreement between this Government and the Security Council governing the use of force cannot be made by exclusive Presidential authority through an executive agreement. He has not dealt with a choice between the two alternative congressional methods which are available.

The able Senator from Montana [Mr. WHEELER] has referred to my own statement of yesterday, and I think my statement was quite clear. I say now, as I said then, that it never occurred to me in the first instance that the arrangement called for would be made except by treaty. But I can say, as Mr. Dulles says, that in coming to that conclusion I was thinking in the basic terms of whether or not the Congress of the United States should have the last word, in one form or another, in respect to these agreements, or whether Congress should be bypassed by a Presidential order.

My position continues unequivocally to be that the action could not be taken by Presidential executive order, that it must be done by congressional consultation; that my preference continues to be that it should be done by treaty. But I concede a perfectly legitimate choice between the two methods of congressional expression, so long as we retain in Congress, by one of those two methods, the final power of decision.

Mr. LUCAS. Mr. President, I think the Senator from Michigan has rendered a real service in this debate by calling Mr. Dulles and getting his answer to this highly controversial question.

In the hearing, as I recall, the Senator from Colorado discussed an executive agreement, as well as a treaty. Mr. Dulles prefers a treaty, of course, to an executive agreement and so do I. But in view of the fact that Mr. Dulles now states he has not given the question of joint action of Congress careful consideration, and in view of the fact that the Senator from Michigan admits that the constitutional process can be either by treaty or by a joint resolution of the two Houses of Congress, I agree that, insofar as my position is concerned, I have made a tremendous amount of progress. I still hold, and will continue to hold, that it cannot be a treaty under any circumstances, and cannot be by executive agreement, but that any military agreement made under the delegated power in this charter must come back for joint action by the two Houses of Congress.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHITE. I am very glad to have heard the supplemental statement by Mr. Dulles, and the observations of the Senator from Michigan, because in both instances they are getting nearer to my own view about the situation, and there is some comfort for me in that fact.

It has seemed to me that there were three possible courses for consummating the supplemental agreements which are referred to and authorized by the Charter. I am inclined to agree that they could be made good by concurrent action of the two Houses of Congress, but if it were done by resolution of the Congress then I think the language of article 43 is entirely unhappy because I do not consider the passage of a joint resolution by the Congress a ratification according to our constitutional processes. The passage of legislation by the Congress is not, in my belief, a ratification as that term is correctly used in the law and in the Constitution.

On the other hand, going one step further, if these supplemental agreements might be entered into by the President, then clearly there would be no occasion for their ratification by the Congress. If they are to be entered into under the powers of the President, the agreements do not need to come back to Congress for ratification or approval of the Senate. We cannot confer or take from the President powers constitutionally vested in him.

It may be that the charter might have provided for approval by a joint resolution, or it might have recognized the Presidential authority to enter into negotiations and consummate agreements as distinguished from treaties. In the present instance, however, we have the testimony of Mr. Dulles that treaties were contemplated; we have the testimony of the chairman of the Committee on Foreign Relations that treaties were meant. I think this view is strengthened and confirmed and made certain by the very language of article 43 itself, which speaks of ratification by constitutional processes. "Ratification" is a term applied to the approval of a treaty by the Senate of the United States.

It is my judgment, therefore, for whatever it may be worth, that not only does the testimony before the committee bespeak the truth that treaties are to come before us, but that the language of the instrument itself speaks in terms of a treaty, and not of an agreement or a joint resolution.

Mr. TAFT. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. TAFT. Commenting on something the Senator said, I wish to make it clear that, regardless of the method in which the agreements shall be ratified, I fully agree with the Senator that we are in good faith bound to ratify any reasonable agreement relating to the use of military forces when it is submitted. I do not think there is any question about that, no matter what method we choose.

The other comment I wish to make is that Congress cannot make an agreement with another nation. We are not permitted to do that by the Constitution, and there is no method of our making an agreement with another nation. It is suggested that we admitted Texas to the Union and took in Hawaii as a Territory. Those were acts which might be taken, which did not involve agreements with other nations. I say also that the end of the war by joint resolution was

bringing an end to a status, but it was not by agreement with another nation. Congress cannot enter into an agreement with another nation. I think we have a choice between an agreement made by the President and a treaty, so far as the Constitution is concerned.

It may be that the President may desire and ask for congressional authority to make an agreement, but I am very much afraid that if he has the authority to make it at all he can make it just as readily without congressional approval as with congressional approval. I do not know of any rule under which the act of the President would not be effective until we ratified it. So, while I do not greatly object to the method of approval by congressional act, I do not think that is the constitutional process, as I understand the Constitution.

Mr. LUCAS. Mr. President, I am glad to agree with the first half of the premise laid down by the Senator from Ohio, because he agrees with me. I respectfully disagree with the latter half, however.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. CONNALLY. I do not care to prolong the debate, but I have been quoted several times today. I tried to make my position clear yesterday. Very briefly I wish to say that the language of the San Francisco Charter, in respect to the matter under discussion, is identical with that used in the Dumbarton Oaks agreement. Every Senator had opportunity to read over what was in the Dumbarton Oaks agreement. I do not recall that any Senator entertaining any such views as have been expressed today ever filed any statement with me or called to my attention any disagreement with the language written into the Charter.

Mr. President, I wish to say that the charter is not written for the United States alone. Some Senators seem to get their eyes down close to the document and seem to interpret it as if it were simply for the United States. It is for 50 nations with different systems of ratification. Some can ratify it by executive action, some by ratification of their Senate, some by votes of both their legislative bodies. Therefore, this language was used by the drafters of the document, and we did not change it. We simply carried forward what was in the Dumbarton Oaks agreement. We said "by their constitutional processes." That means that it is up to the United States to determine what its constitutional processes are. If we want to do it by joint resolution I see no serious objection to it, because if both Houses of Congress agree to a course, that ought to answer most anyone's objection. I did express the opinion that, according to my own view, when we ratified by the constitutional processes, it contemplated a treaty.

But the question occurs to me: Why do we want to spend so much time debating this question now, when we will have to decide on it when these agreements are submitted to us, either by the President in the form of an agreement or in the form of a treaty or in such other manner as it may come before us? We

are not going to vote on that now. No one has submitted a reservation expressing disagreement with the language contained in the Charter.

Some Senator suggested that this could not be a treaty because there was no other party to the treaty, that there is no party for us to deal with; that it is simply a unilateral matter. Well, what about the agreement? If we could make an agreement with some parties we could make a treaty with some parties, could we not? I do not see any difference between an agreement and a treaty in that respect. It is necessary to have a party to an agreement just as it is essential to have a party to a treaty.

When we sign the charter and become a member of this organization, whether that is done by joint resolution or whether it is done by the Senate in the form of ratification, I have no doubt we will redeem our plighted faith. If we are not going to do so, the time now is to vote the charter down and not agree to it. Whenever we ratify it, if I should happen to be in the Senate I shall fight as best I know how for our meeting our obligation by the execution of these agreements, and when we execute them I expect that we will abide by them and perform our obligation in respect to them. I believe that will be the view of the Senate and that will be the view of the two Houses of Congress.

Mr. LUCAS. Mr. President, I regret that the Senator from Texas feels that I am trespassing on the time of the Senate and taking too much time.

Mr. CONNALLY. I beg the Senator's pardon. There will be a great deal of debate. There will be a number of speeches and I have no objection to the speeches and the debate.

Mr. LUCAS. I am glad to know the distinguished Senator takes the position he does with respect to continuing the debate. I submit that this is the most important matter the Senator from Illinois and the Senator from Texas have been called upon to consider with since they have been in this legislative chamber.

Mr. CONNALLY. I will say to the Senator from Illinois that I have no disposition to cut off debate.

Mr. LUCAS. The Senator, in making that statement is obviously taking the correct position. There should be no curtailment of debate.

Mr. President, I recall what happened to the League of Nations, and I anticipate the possibility of the same type of tactics being used when one of these agreements comes to the Senate. The only thing I am now trying to do is to place my stamp of approval upon congressional action. I believe that the entire Congress has the authority to act upon the agreements; I do not believe that one-third of the Senate has the power to nullify them. If the latter were the case, history leads me to believe that what we are doing here today is almost futile.

Mr. CONNALLY. I was following the lead of our majority leader who yesterday expressed the view that this was a matter which could not be decided now; that all he wanted was that it should not be foreclosed, and other eminent

Senators have expressed the same view. I have no objection to the debate. In fact, I am rather glad to have some debate on the Treaty so the country will not say, "Well, it must not be worth much because everyone is for it." I am glad to have the debate, and I welcome the comment by the Senator from Illinois. I am always glad to hear him. I am entertained by him and instructed.

Mr. LUCAS. Mr. President, I take that as a left-handed compliment, because I know how facetious the Senator from Texas can be.

Mr. CONNALLY. Mr. President, I certainly am unable to fathom the Senator from Illinois. Anything I say which is kind about him he questions, and with respect to other things I say he seems to think I am reflecting on him. I have no such idea.

Mr. LUCAS. The Senator misunderstands me. I am certain that all he says is said in good faith.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. AUSTIN. Several times the suggestion has been put into the Record that we could not deal with the organization which we are setting up as if it had the power to enter into contracts, compacts, agreements, treaties, and so forth. I think those who drafted this excellent Charter forestalled all that claim because they made such a provision that if 29 nations agree upon this Charter we will have given legal capacity to the organization to make these treaties, to make agreements, and to enter into legal relations with every member.

This organization is not going to operate in a void. It can only operate inside of its several members, and when it so operates it will have been given legal capacity to make all the deeds and all the contracts and all the treaties that are necessary to carry out its purposes. Article 104 provides:

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

That is a vast grant of legal capacity.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. CONNALLY. I think it is quite clear that in the various parts of the charter we created an entity.

Mr. AUSTIN. Exactly; a legal entity. If this Charter is accepted by 29 nations, we create a legal organization in the world.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Montana.

Mr. WHEELER. Because of the statement made by the Senator from Michigan [Mr. VANDENBERG] with reference to his conversation with Mr. Dulles, I read from the bottom of page 475 of the hearings:

Senator GEORGE. And that would not bring us—if Congress should subsequently in an implementing statute insert any provisions restricting the use of the military force made available to the Security Council, that would not, in your judgment, bring us into collision

with any affirmative grant or any affirmative obligation that we have assumed under this treaty?

Mr. DULLES. No. You speak of doing it by statute. The procedure will be by treaty—agreements submitted to the Senate for ratification.

I call that to the Senator's attention because of the fact that in his conversation apparently he said that the only thing he had in mind was the difference between an executive agreement by the President, without coming back to Congress, and a treaty. He says that the only thing he had in mind was the difference between an executive agreement by the President, without coming back to Congress, and a treaty. But in the hearing he specifically stated, "You speak of doing it by statute. The procedure will be by treaty—agreements submitted to the Senate for ratification."

I entirely agree with what the Senator from Ohio said with reference to carrying out in good faith the provisions of the treaty. There may or may not be some disagreement in the future as to the size of the forces, or there may be some disagreement on various other questions. Those are questions to be settled by the Congress of the United States when they arise. That is what I stated yesterday.

As Mr. Dulles said, when these questions arise, they will be matters on which there will be discussion. If I should disagree as to the size of the force, or where the force is to be used, I do not wish to be told that I am doing something which is contrary to the treaty which we have entered into.

According to Mr. Dulles, South American countries take the same position. Take Canada, for example, and other countries which have refused to enact conscription laws. There will be a wide divergence of opinion in Canada, Australia, and many other countries with reference to what they should do.

Mr. LUCAS. Mr. President, I should like to proceed. I have been glad to yield generously to my colleagues. I do not wish to prolong unduly the debate.

Mr. McMAHON. Mr. President, will the Senator yield?

Mr. LUCAS. I yield to the Senator from Connecticut.

Mr. McMAHON. If I correctly understand the position of the Senator from Montana, all he is anxious about is that he have an opportunity to vote on the use of force—how much and where it shall be used; but he is not worried over whether the action be taken by way of ratifying a treaty, or through a joint resolution by both Houses of Congress.

Mr. WHEELER. That is what I mean. Frankly, whether it is done by a treaty to be submitted to the Senate, or whether it is done by joint action of the two Houses of Congress, it seems to me that that is a question which must be thrashed out. I am not willing to stand here today and say dogmatically either that it must be done by treaty or that it must be done by both Houses of Congress. That is something to which I should wish to give far more careful study than I have given up to the present time.

I entirely agree with the Senator from Maine that under the language of the

so-called treaty, and the language of the Dumbarton Oaks proposals, which everyone has had an opportunity to read, when ratification is mentioned, it means ratification by the United States Senate, and not by a joint resolution passed by both Houses of Congress.

Mr. McMAHON. But the Senator has not yet made up his mind on that question, as I understand.

Mr. WHEELER. Very definitely not.

Mr. LUCAS. Mr. President, I have definitely made up my mind on the question. I submit that the Congress is the appropriate body to act on this agreement, and there is no provision in the Constitution which requires any other procedure.

Mr. President, the military agreement under article 43 will deal solely with the numbers and types of forces to be contributed, the degree of readiness with which these forces shall be available and their general location. I submit that these matters are directly related to the powers of Congress quoted above. The Congress is, therefore, the appropriate body to act upon this agreement and there is no provision in the Constitution that requires any other procedure.

To hold that these special military agreements must be ratified by two-thirds vote of the Senate, one must conclude that the plain language of article 43 does not create an obligation to contribute military forces. If this be true, then the military provisions of the Charter mean nothing, and the only obligation imposed in this respect by this treaty is to negotiate another treaty.

I submit that this position is utterly destructive of the entire conception of what transpired at the San Francisco Conference. If all that has come out of this Conference is a treaty to make a treaty to provide for the enforcement of peace, the people of America and other countries may well consider that they have been grossly deceived.

Mr. President, there is another constitutional problem which I should like to touch upon briefly at this point. This concerns the authority of the United States delegate on the Security Council with respect to the employment of the armed forces of the United States, which are to be made available under article 43 and the special agreements which I have been discussing. There has been some discussion of this question on the floor of the Senate, but I have not entered into it to a great extent, because I preferred to discuss it on the basis of the statement which I have prepared.

There has been considerable public discussion with respect to this matter over the period of the last several months, and various legal theories have been advanced upon this point.

Mr. Dulles stated in his testimony that "It may or it may not hereafter become useful to decide by legislation whether or not the use of our military contingents to enforce peace is the equivalent of a declaration of war." That is a most unusual declaration. The distinguished Senator from Montana in his statement yesterday apparently adopted this statement on the part of Mr. Dulles, and also stated that it would be unconstitutional

for these forces to be employed except pursuant to a declaration of war by Congress in each case. If I believed that, Mr. President, I could not support this charter, because it would be an empty gesture toward keeping the peace, and nothing else.

Mr. President, I should like to make my position on this matter crystal clear. I have already stated that when the Senate ratifies this charter with article 43 contained in it, the result is to impose upon the United States an obligation to contribute forces necessary to the maintenance of international peace and security. The exact terms of this obligation are to be determined by an agreement to be negotiated later, but nevertheless the basic fundamental obligation to contribute forces is created by this charter. As a member of the Committee on Foreign Relations, I subscribe to the statement contained in its report on the charter to the effect that—

Any reservation to the Charter, or any subsequent congressional limitation designed to provide, for example, that employment of the armed forces of the United States to be made available to the Security Council under special agreements referred to in article 43 could be authorized only after the Congress had passed on each individual case would clearly violate the spirit of one of the most important provisions of the charter.

The basis of the committee's position, as I understand it, is that when the United States delegate, acting under the authority of the President, calls forth the military contingents of the United States under the special agreement for the supply of forces, such action would not constitute an act of war by the United States, but rather participation in international police action in pursuance of a specific treaty obligation. It would, in fact, be an action to prevent war.

The exclusive power of the Congress of the United States to declare war is not affected by this arrangement. Under article 43 of the charter and the military agreements to be negotiated thereunder, our obligation to contribute forces will be clearly defined and delimited in advance. Enforcement action under the charter will involve only the forces pledged under these special agreements, while war, on the other hand, when declared by Congress, would amount to a complete break-down in international relations, and a decision to devote the total resources of the United States to securing the safety of this country.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. BREWSTER. If the Senator will pardon me—and what I am about to say is not meant in an invidious sense—let me say that the Senator is stating a great many mouthfuls quite hurriedly and in a very low voice and his remarks are packed with a great deal of meaning. As I understood him a few minutes ago, his position is that he would not support the charter if it were deemed to be as meaningless as some of the constructions placed upon article 43 would seem to indicate.

I wish to make it perfectly clear that it seems to me that whatever may be

the interpretation made by the Senator from Illinois, to whose opinion we attach full faith and credit, it does not necessarily represent the opinion of the other 94 Members of this body. I say that in order that it may not be thought that we have sat in silence and, by that silence, consented to the Senator's interpretation. I may say that I am somewhat inclined to accept the rather broad interpretation of the word "ratification" to which the Senator from Illinois subscribes. I find myself possibly in some disagreement with my colleague from Maine in that connection.

Conceiving that this instrument is drawn as a broad instrument and that we cannot limit its interpretations by the language of our own Constitution, and conceiving that this instrument has been drawn as an instrument of broad application, applying to millions and millions of people outside the United States—some of whom use the English language—I turn to the dictionary. In the dictionary I find that the meaning of the word "ratification" is considerably broader than its meaning as used in the Constitution of the United States. In the Constitution it is not used in connection with treaties, but is used in connection with the ratification of an amendment to the Constitution or the Constitution itself.

I say this, not because I am challenging the interpretation of the Senator from Illinois, but because I wish to show that I incline to the suggestion of the senior Senator from Texas that we shall not anticipate this problem, that it will come for decision at some later time, and that we in this body shall be at liberty to consider it rather as an initial problem, instead of being committed either by any discussion here or any premature conclusions which have been reached.

One further comment, Mr. President: I am always regretful when I hear the suggestion that in submitting any sort of measure to the Senate of the United States it is—in the language we have heard so often quoted—"like the bull entering the arena. We know not when it will die, but we know it will die." It seems to me that the very consideration of this Charter is sufficient refutation of that suggestion. I have greatly regretted that so frequently in discussion of this question there has been the statement that the requirement of approval by a two-thirds majority of the Senate will be a death sentence for any charter. I think the apparently overwhelming approval which the Charter is to receive should find a great deal more sympathetic applause from the country and the columnists than has yet been manifested—in view of their earlier chorus of concern. Although the critics, from whom we have heard so much, and the commentators and others have practically intimated that the Senate might well be eliminated as a parliamentary body. We hear nothing on this line from them now when it becomes evident that the Charter will receive overwhelming approval in this body.

So it seems to me it is extremely unfortunate to have Senators or others take the position that the requirement of

ratification by two-thirds of the Senate would present insurmountable difficulties to any understanding, and that under that requirement it would be impossible to achieve any satisfactory result. *Res ipsa loquitur.*

Mr. LUCAS. Mr. President, I always have difficulty pleasing my friend, the Senator from Maine, in these debates. But I am indeed grateful for the contribution he has made, and I am satisfied that the deeper he goes into this question the more convinced he will become that the situation is as he has said, namely, the word "ratification" as used in the Constitution is not limited solely to the question of a treaty.

Insofar as there may be any intimation that the Senator from Illinois has attempted to influence the other Members of this body, I deny the validity of any such implication. Mr. President, I find it necessary to utilize all my time and energy in the discharge of the duties devolving upon me. I am certain every Member of this body is conscious of, and responsive to, the same demands of responsibility. Consequently, I do not give gratuitous aid and advice. I am simply doing my duty as I see it in bringing to the attention of the Senate what I believe to be the most important issue in the current debate.

Mr. President, since the obligation of the United States to contribute force for police action by the Security Council is brought into being upon the ratification of this Charter, the President of the United States, as the officer of this Government charged with the execution of our treaty obligations, will, as the result of the provisions of article 43 and its later implementation by the special agreements, be vested automatically with the power and obligation to call forth the contingents which we agree to contribute.

I realize that there is a school of thought which holds that the exact definition of the power of the President or his delegate to the Security Council to employ these forces may or should be postponed until the special agreements are negotiated. I hold that the ratification of this Charter with article 43 in it will create and vest in the President the power and obligation to employ such forces as we may later specifically agree to contribute in execution of the obligation we now assume.

I realize that there is another school of thought which holds that the power of the President to employ these forces arises by virtue of his general power and obligation as Commander in Chief of our armed forces to take action in our national defense. In substantiation of this theory there are referred to the many instances in the course of our history upon which the President has sent American forces beyond the limits of our country to protect American interests abroad. While I agree that these examples have some relevance to the problem at hand, it is my view that what we are discussing here is a much broader concept which cannot be limited by reference to specific precedents which have

occurred in the past. The truth of the matter is there are no precedents.

When we ratify this Charter, we must realize that we are creating a system of international collective security such as has never before existed in the history of the world, and that in going into such a system we are assuming obligations such as this country has never before assumed. We are doing that now—this week—and not later on.

And finally we must realize that, in order for this great enterprise to function successfully, our delegate to the Security Council must be free at all times to vote in accordance with the purposes and principles which are set forth in the charter and which upon its ratification we assume as sacred treaty obligations.

As the Chicago Sun has pointed out in an able editorial on this subject, on July 23, 1945:

The greater the assurance of speedy, unfettered Security Council action if required, the less will be the chance that the Council will have to resort to armed action—and the greater will be the prospect that the United Nations can concentrate without interruption on increasing the prosperity, human rights, and freedoms of the world.

Mr. President, I wholeheartedly subscribe to the thought which is so well expressed in that editorial.

Our sovereignty is in no way impaired by these arrangements because the concurring vote of the United States will be required before our forces can be called upon by the Council. The power of the Congress to declare war is not impaired because only through a declaration of war can our total resources be pledged to war.

I do not know whether it may hereafter become necessary for the Congress by statute to restate or to define the power of the President, or of his delegate when acting under his authority, to employ the forces which we agree to contribute. In the interest of clarity, it may be desirable to do that. However, in the light of the views which I have expressed, no statutory enactment will be necessary to create any powers in the President, or his delegate, in regard to the use of force under the Charter, since in my view these powers do not arise through any delegation of power on the part of Congress, but solely by virtue of the ratification of this treaty.

Mr. President, this concludes my discussion of basic features of the United Nations Charter.

In conclusion, I wish to congratulate the senior Senator from Texas [Mr. CONNALLY], the senior Senator from Michigan [Mr. VANDENBERG], and all other members of the American delegation upon the magnificent and remarkable job which they did in representing this country at the San Francisco Conference.

Mr. President, I am grateful and proud to have had the honor to discuss this document which opens the door to a new epoch in the history of an old, old world. It is with reverence and faith that I shall cast my vote on this instrument which will not only influence but I believe save the lives of millions in future genera-

tions. I shall do so with confidence in the intrinsic goodness of mankind. I do so with the belief that the basic principles of freedom and justice shall prevail despite all odds. I do so with the devout hope that we are laying the plans for not only a peaceful but a much better world.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. FULBRIGHT. There was one point to which the Senator referred which I am not sure that I thoroughly understood. He spoke with reference to the power of the President. We have passed the point concerning the ratification of the agreement. I now refer to the President's power to supply military force. I did not quite understand the Senator's position which he stated near the end of his remarks. Does he agree that the power of the President to order the use of military force does not arise out of the treaty, but that it arises out of the Constitution of the United States, and that it is the President's duty, whenever necessary, to marshal military force in the defense of the country?

Mr. LUCAS. There is no question about that. But we are giving to the President additional power which he does not now have. In other words, we are creating a military force to be used in policing any situation which may threaten the peace of the world. Under the Constitution of the United States the President has the power to call out the troops for the purpose of faithfully enforcing the laws of the land, including treaties in situations which may involve the property rights, or personal rights, of an American citizen.

Mr. FULBRIGHT. Such as personal rights.

Mr. LUCAS. Such as personal rights.

Take this hypothetical case—suppose the President should call out a contingent to troops for the purpose of quelling a dispute between Bolivia and Paraguay, wherein no rights, personal or otherwise, of an American citizen are involved. In such a situation we certainly would become involved in war. I do not believe the President has such power under the Constitution.

Mr. FULBRIGHT. That is what I was coming to. The Senator would not restrict the President's power to the protection of some tangible form of property.

Mr. LUCAS. Oh, no.

Mr. FULBRIGHT. The Senator's theory is that ultimately our interest will become involved.

Mr. LUCAS. That is why we propose this treaty. We have reached the time when almost any dispute between nations becomes our business. Under the treaty the military force so committed under the military agreement would be subject to immediate call by the delegate on the Security Council, if there were a breach of the peace, or the peace of the world were threatened.

Mr. FULBRIGHT. At this point, if the Senator will further yield to me, I should like to read into the Record a statement from Willoughby, and also a statement from Wright. In Willoughby's treatise on the Constitution, in discussing the right of the President to send

troops outside the United States in times of peace, he states:

As to the constitutional power to send United States forces outside of a country in time of peace—

That is prior to the declaration of war—

when this is deemed by him necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States, there would seem to be equally little doubt, especially since the argument of the Court in *Myers v. U. S.* (272 U. S. 52) with reference to the general character of the executive power vested in the President, and, apparently, the authority impliedly vested in him by reason of his obligation to take care that the laws be faithfully executed, it is reasonable to predict that, should the question be presented to him, the Supreme Court will so hold. Of course, if this sending is in pursuance of express provisions of a treaty, or for the execution of treaty provisions, the sending could not reasonably be subject to constitutional objection.

Mr. LUCAS. We all recognize Willoughby's treatise on the Constitution as one of the leading authorities, and I am glad the Senator has used the reference. Let us assume another hypothetical case. We will assume that, in the absence of this treaty, a dispute takes place between Bulgaria and Rumania which threatens the peace of Europe. If there be no American interest involved, either a personal or a property interest, I do not believe that the President would have any authority to send troops for the purpose of quelling such a disturbance taking place between those two nations.

Mr. FULBRIGHT. Will this charter be a recognition that our Nation may become involved in that dispute?

Mr. LUCAS. There can be no question about it. As a result of the scientific development of war implements during the past 10 or 15 years, a dispute taking place along the border of any country in the world which may threaten the peace of the country involved, also threatens the peace of the United States.

Mr. FULBRIGHT. If we continue the defensive attitude that the only way to maintain peace is to wait until aggression takes place, we shall be pursuing an incorrect theory. We know that it is not true. It seems to me that we must evolve machinery which will be effective as a preventive instead of as a cure.

Mr. LUCAS. We have many examples of the President of the United States having used force to carry out the terms of a treaty. He has such power under the Constitution. The Supreme Court has so held. When we enter into this treaty we are morally and legally binding ourselves to make it effective by creating whatever military force shall be necessary in order to do the policing.

Mr. FULBRIGHT. Would not the Senator agree that if the Congress undertook to restrict the President in the exercise of the power which is placed within his discretion for the purpose of enforcing law and protecting our interests, it would be wrong to do so?

Mr. LUCAS. I agree with the Senator.

Mr. FULBRIGHT. There has been some talk to the effect that we could

control and say to the President, "No; you cannot use these forces."

Mr. LUCAS. I do not agree with that at all. It is a question for the delegate upon the Security Council to determine, and of course he will be functioning under the direct supervision of the President of the United States, who has appointed him.

Mr. FULBRIGHT. Mr. President, I should read a statement from Mr. Quincy Wright in his book *The Control of American Foreign Relations*. On page 227 we find this statement:

Treaties of guaranty, or requiring the employment of force in policing or other operations, have usually been carried out by the President. Thus on many occasions the President has dispatched troops to Panama in maintenance of the guaranty in the Colombia treaty of 1846 and Presidents have also dispatched troops to Cuba, Haiti, and China in pursuance of treaties and protocols requiring protection.

Mr. CHANDLER. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield.

Mr. CHANDLER. In the last case, so well known to all of us, President Roosevelt, in July 1941, sent American troops to Iceland, and they relieved the British of the necessity of occupying Iceland. He did that under his constitutional authority. It was not questioned. It was definitely in the interest of the protection of American shipping, American commerce, and American interests.

I think it is admitted that the President has always been able to engage in skirmishes, but never in war. Sometimes skirmishes have led to wars. We might compare it to a football game. He could skirmish, but he could not play a real game, but sometimes a skirmish would lead to a game.

I wish to express my appreciation to the Senator from Illinois for raising this question. He has done it admirably, he has done it well. It is very plain that the Senate of the United States is going to ratify this Charter in good faith, and that we are pledging the resources of the people of the United States to maintain peace. If a situation arises, the President, acting on information furnished by our delegate that the sending of troops can avert a war, he will send troops and avert a war in the future.

I am not concerned about occupants of seats in this body in the future not implementing this charter in good faith, based on knowledge of the fact that we enter into this agreement after failing to go into any sort of arrangement at the end of the last war, and we pledge the full faith and credit of the people of the United States to make an active effort to keep peace in the world. That is the reason for this Charter. I again express my appreciation to the Senator from Illinois for his valuable contribution to the debate.

Mr. LUCAS. I thank the Senator from Kentucky for his kind and warm expression.

Mr. MILLIKIN. Mr. President, I should like to make a few suggestions which I hope may help to avoid what may develop into unnecessary and destructive divisions of opinion on the subject of

control over our contribution of armed forces to the Organization.

I believe that our problem is greatly simplified, to me most all of the difficulties disappear, by holding fast to several features of the plan, by keeping in mind the scope of the job of the Organization so far as the use of armed force is concerned, and several pertinent features of our Constitution.

First. Our delegate to the Council is not an internationalized person. He is the representative of the United States and, therefore, is subject to our laws and our Constitution. Reflection on this fact makes it clear that by constitutional methods we can control the vote of the delegate on all matters having to do with the application of force and on any other matters to the extent we may feel control is necessary.

Second. For many years to come the Organization will not have jurisdiction of our defeated enemies. They will be policed and it is to be expected that their war-making abilities will be sterilized by the Allied armies.

Third. The operation of the veto power makes it inconceivable that the Organization would make war on, or even conduct police operations of significant size against, any of the permanent members, their dependencies, or their important satellite nations. If such action were taken it would probably write the epitaph of the Organization, for it would confess the failure of its vital conciliatory functions.

Fourth. When we make the exclusions of nations and of areas resulting from these considerations, we see clearly that the exercise of the Organization's police power will probably require no more than very modest forces, that it will be infrequent, and will be aimed at nations which, because of their international and military unimportance, have not been able to find a powerful patron.

Fifth. Common prudence, however, requires that we keep in mind the day which may come, although it may be distantly removed, when the Organization will take over control of our defeated enemies, and requires that we keep in mind the possibility of police action and of war before and after that contingency.

I am perfectly willing that our delegate on the Council shall vote for or against the use of police force as may be directed by the President of the United States. Assuming that we adopt appropriate domestic mechanics to accomplish this, we shall have protected the President's traditional control over such operations.

Sixth. If the organization should ever be threatened with the necessity for conducting war there will be premonitory rumblings; there can be provision whereby the Congress can be kept fully advised by the President, and there will be ample time for the Congress, acting through the President and through our delegate on the Council, to pass on the question, to give appropriate instructions through our President to our delegate, and to authorize forces additional to those needed for purely policing purposes, if that shall be the judgment of Congress.

Seventh. In discussion of these subjects the question is always raised,

where does the power of the President to conduct policing operations end, and where does the power of Congress to make war and to supply and maintain our military forces begin?

There has been a no-man's land which has never been eliminated by an acceptable definition.

But I wish to emphasize, and this may resolve many of our difficulties, that by the implementing mechanics which we shall adopt, we have the opportunity to establish a practical definition. In other words, the initial quota of forces which we allocate can be considered as the measure of our view of the forces required, at least initially, for policing operations.

No matter what mechanics may be adopted, we can allow some elasticity in this. Experience may show that the original allocation is unnecessarily large or insufficient. There should not be any difficulty in setting up a formula that will give the President, in the exercise of his own judgment, additional leeway for allocation of appropriate additional forces to be used for policing purposes.

Thus, having in this practical way defined the limits on the forces to be used for policing purposes, we automatically establish the line where the constitutional war powers of Congress shall commence.

Such a formula, assuming that it is sought and carried out in good faith, would meet our full obligation to the Organization and at the same time preserve the traditional prerogatives of the President and the constitutional powers of the Congress in the subject matter.

Now as to the mechanics—as to whether we shall do these things by supplemental treaty or by the action of both Houses of Congress:

During the hearings, as a result of questions asked by Senators, including myself, the Charter was officially interpreted by Mr. Dulles and by the chairman of the Committee on Foreign Relations, as requiring that it be done by supplemental treaty.

As I see it, it can be done that way, and it can be done by both Houses of Congress. It is most important, however, that we shall know definitely before action is taken on the Charter which way it is going to be. Also, it should be made most clear that it will be by one or the other of the methods discussed, to wit, by treaty or by action of Congress, and not by executive agreement.

Mr. VANDENBERG. Mr. President, before the Senator from Colorado takes his seat I desire to make one observation. During the hearings before the Foreign Relations Committee he was by far the most persistent and consistent cross-examiner of the witnesses among all Senators, and I simply want to say to him that I think he rendered a very great service by the constant attention he gave to those examinations and the very illuminating information which he produced as the result of his questions. I want to thank him on my own behalf for the service he rendered in that fashion.

Mr. MILLIKIN. I thank the distinguished senior Senator from Michigan.

Mr. SMITH. Mr. President, I have listened with great interest and benefit to 3 days of splendid discussion of the details of the charter and general observations on it. I desire to address myself to some general observations concerning what I see to be the relation of the action we are taking at this epoch-making time to the future of our country and our future foreign policy.

Mr. President, I shall vote for the ratification of the San Francisco Charter with enthusiasm. And I feel justified in this because of the outstanding representation at the San Francisco Conference by our distinguished American delegates: Former Secretary of State Stettinius, our colleagues, the Senator from Texas [Mr. CONNALLY] and the Senator from Michigan [Mr. VANDENBERG], the House representatives, Messrs. Bloom and Eaton, and Commander Stassen and Dean Gildersleeve. History will duly record their great achievement.

I now wish to address the Senate and my constituents in New Jersey on what I conceive to be the significance of this epoch-making event.

I voted for the extension of the reciprocal trade treaty program with the enlarged powers for the President; I have voted for the Bretton Woods program dealing with international monetary matters; I voted for the enlargement of the powers of the Export-Import Bank; and for the participation by the United States in the International Food and Agricultural Organization.

A natural and proper question is:

Why have I voted for all these measures, and why am I going to vote for the ratification of the San Francisco Charter, when taken as a whole, these involve our country very deeply in the affairs of the world and involve us in staggering financial commitments?

If I were to sum up my answer to this very relevant question briefly, I would say—and I want to emphasize the statement, if I may—that I am supporting this Charter; I am supporting this new policy in the national affairs, because a despairing, chaotic world is crying for the positive, constructive, dynamic leadership of America. The world needs faith and hope and not fear and despair. Above all, it needs the combined cooperation of all people of good will to bring about new human understandings.

The United States will emerge from this war as not only the strongest nation in the world, but as the one nation whose philosophy of freedom of opportunity has made us the beacon light of hope for the despairing millions of suppressed peoples in all corners of the earth. I should like to emphasize that because our action now is going to mean so much to the world.

I am perfectly aware, Mr. President, that no country, and certainly not our country, would be able or could be expected to solve these great problems single-handed. I am definitely opposed, as I have said many times, to the United States acting in the role of Santa Claus for the rest of the world, and above all, for trying in any way to establish ill-advised WPA's throughout foreign coun-

tries. There is a very definite limit to the amount that we can loan or give to other nations for their rehabilitation. But aside from our inability to pay the bills, it is also my considered judgment that the worst thing we could do for the world would be to let the impression get abroad that we are expecting to pay the bills. We cannot help individuals or nations by doing for them what they very definitely must do for themselves.

But we can help individuals and nations to help themselves, and when they are sick and depressed and in despair, the definite indication that we are prepared in a human, interested way to join with them in seeking the solution of these problems will be the difference between faith and hope on the one hand and fear and despair on the other.

Mr. President, the whole world picture requires new thinking, both by us and the other nations of the world. So far as the United States is concerned, this new thinking is certainly going on. We have witnessed an amazing evolution of a national conviction which has slowly grown since the beginning of World War II, and which has expressed itself in a succession of significant events which may well be characterized as milestones on the road to peace. One has only to think of the debates in both the House and Senate leading to the adoption, respectively, of the Fulbright and Connally resolutions, and then measure the distance between those resolutions and the San Francisco Charter. American public opinion has definitely committed itself to the principle of participation by the United States in world cooperation to preserve the future peace.

The Republicans at Mackinac, back in 1943, the national conventions of both parties in 1944, the Moscow Conference between the Big Three nations in 1943, the Dumbarton Oaks discussions in the late summer of 1944, the Yalta and Mexican Conferences in 1945, and now the San Francisco Conference give us a quick, consecutive picture of these important milestones. And let me suggest that if we look upon these events as milestones on the road we are traveling, and realize that none of them is the final destination—I want to emphasize that—we get the right perspective. What we are seeking is not final perfection this early in our gropings for a new world, but we are very definitely seeking progress. So let us rejoice as progress is made. I wish to emphasize that, because it has been stated so many times that the Charter holds out hopes for this, that, and the other thing. To my mind it does not hold out any more hopes than it expresses. In time we shall evolve toward greater progress under it. I am rejoicing in the progress under it. It is another milestone on the road to peace.

In seeking ultimate solutions, it is my conviction, Mr. President, that these steps of progress must include international economic collaboration as well as political collaboration. This apparently is an unwelcome idea to some of us. In the recent masterly debate on the Bretton Woods proposals on the floor of the Senate, the case for the opposition was built on the premise that political and

economic collaboration were not necessarily tied up together. The implication was that one could be a political internationalist and at the same time be an economic isolationist. It is on this point that I take definite issue. I submit that we cannot support that idea.

It is my conviction, Mr. President, that we must not only consider political and economic collaboration together in facing the postwar world, but that we must do everything in our power to substitute constructive international cooperation for the old type of destructive competition that laid the foundation for international misunderstandings and ultimately for wars. What I am trying to say, Mr. President, is that we must look beyond the language of all these documents to the spirit of what we are going to do next.

In using the word "competition," I do not wish to be misunderstood. We all know what legitimate competition is. We all know that legitimate competition under a free enterprise system sharpens the wits, improves methods, and stimulates real progress. We all know that the great United States has been built up by an understanding among the people of our interdependent States of the legitimate place of competition in our industrial system, and the illegitimate place of monopolies and vested interests, which favor the few at the expense of the many.

The kind of competition which I am arguing against is the kind that destroys the opponent because the power of might rather than efficiency and skill is on the side of the victor.

I wish to emphasize a fact that I believe is of first importance in our consideration of our postwar foreign policy. Let me state it in this way:

There are adequate world resources for the legitimate needs of an entire world at peace, but there are not enough world resources, and there never will be enough world resources for a greedy, avacious world constantly preparing for war. It is competition for strategic raw materials and for trade advantages that muddies the international waters and lays the foundations for the misunderstandings out of which come the conflicts. I submit, Mr. President, that you cannot separate economic issues from political policies.

I making these statements I may be charged with seeking the millennium, but I submit that the progress of the world has always depended upon the vision of those who are willing to "hitch their chariots to stars" and at least see the right objectives. All I am pleading for is that we lay the right foundation for our new world before we try to build the superstructure.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. EASTLAND. As I understand the Senator—and I believe he is exactly right—we must not overlook the economic causes of war. We must build an economic foundation which will make mankind prosperous, and on that foundation must rest the security Charter. Is that correct?

Mr. SMITH. That is correct. I thank the Senator for his interpretation of my point.

Mr. EASTLAND. After the last war we had the League of Nations proposal for permanent peace. The fact was entirely ignored that world trade, world commerce, and world prosperity must be the foundation on which such a league must rest if it is to be successful.

At this time we have enacted the Bretton Woods proposals; we have passed the reciprocal trade treaty program; and we have increased the lending powers of the Export-Import Bank. We have created an economic foundation for this organization. Does not the Senator feel that the present over-all peace plan, of which Bretton Woods is a part, of which the reciprocal trade treaties are a part, and of which this Charter is a part, is far superior to the peace plan which was evolved after the First World War?

Mr. SMITH. I am grateful for the Senator's suggestion; and if he will let me finish my discussion, I will show him that that is exactly the point I am trying to make. They are all related. We are building an over-all structure, and not merely a little piece here and a little piece there.

Mr. EASTLAND. Does not the Senator feel that this is a superior structure when compared to that sought to be erected after the First World War?

Mr. SMITH. I think it is superior, and it gives me courage to hope that it will succeed.

I submit, Mr. President, that the foundation stone for this new world structure is international cooperation and unity. This is the very heart of the San Francisco Charter.

But as soon as we begin to talk about such abstract things as cooperation and unity, and try to put them into concrete form, we are overcome by fear. Time and again in my personal experience, I have been defeated by the negative—defeated by seeing the "don'ts" in a situation calling for united action, rather than the "do's." Time and again when I could have crusaded for the positive I have been deterred by the negative approach and by fear. I want to insist now, because it is such a deep conviction with me, that our approach to all of these milestones on the road to peace must be both positive and constructive. This does not mean that we should not examine the San Francisco Charter, the reciprocal trade agreements, the Bretton Woods proposals, and other matters with the most scrupulous care. That is our responsibility, and I join with every other Member of the Senate in expressing our debt of appreciation and gratitude to our colleagues for placing in the record of this Congress so constructively the dangers inherent in these new experiments in world collaboration. I agree with them that many of the dangers which they pointed out are real dangers. I only disagree with them when they say that political and economic collaboration are not related, and when this leads them to take the position of "don't" when I feel in my heart that we all should be taking the position of "do" in this present crisis.

So, Mr. President, I shall review certain thoughts which have come to me, both with respect to the reciprocal trade treaties and the Bretton Woods agreements in connection with this treaty. In this spirit I shall take up certain aspects of the reciprocal trade program and the Bretton Woods proposals, and show their relation to the San Francisco Charter.

In regard to both the reciprocal trade agreements program and the Bretton Woods proposals, as I stated in my address before the Senate on June 13, it is my conviction that the issue is the relationship of international economic collaboration to international political collaboration. Because of this conviction, I felt that we must approach the issue presented by the trade agreement program and the Bretton Woods proposals as vital contributions to the spirit of San Francisco. I could not conceive of opposing those measures, even though I recognize the dangers of them, without feeling that I was opposing the spirit of San Francisco.

Being traditionally a protective-tariff Republican—and I wish to emphasize that—it took me some time of study and check-up to convince myself, as I have become convinced, that from the standpoint of our American industries, and our New Jersey industries in particular, the trade-agreement method of establishing our foreign-trade relations is preferable to the old unilateral tariff schedule writing by congressional log-rolling. Furthermore, conference and agreement, cooperation and unity, which are the spirit of the reciprocal-trade agreement program, rather than unilateral action, are the foundation of our new world structure, as I suggested a moment ago.

I welcomed with enthusiasm the proposal made at Dumbarton Oaks that there be set up an Economic and Social Council when this Charter was finally written, and of course I welcome the proposal for such an Economic and Social Council as is embodied in the final draft of the Charter. As I stated in my address on the reciprocal trade agreements, I have felt and still feel that the present machinery for making those agreements is defective and needs overhauling and revision. Now that the International Economic and Social Council is to be set up, it seems to me we are challenged to do the necessary reviewing and overhauling of this procedure, and in doing that, we will have the opportunity to protect the position of American industry. I am not worried about American industry at all under that set-up.

I changed my original position when the proposal to extend the President's power came before us, and I voted to grant the President the additional power. This was because, as I stated in my former address, I wanted to strengthen the President's hand as he approached the three-power conference now being carried on in Potsdam. And, furthermore, I wanted to make it possible for the United States to help solve the serious economic situation in which Great Britain finds itself, and to bring Great Brit-

ain, if possible, within the orbit of those nations which still believe in free private enterprise. As I stated, there is real danger that Great Britain may be forced into the orbit of the collectivist countries which will be carrying on their foreign affairs by government action, rather than by the individual, free-enterprise system of individual action. A great struggle is going on in the world between collective governmental action and individual, private enterprise action, and that struggle is very relevant to the issues in the debates over the reciprocal trade program, the Bretton Woods proposals, and the San Francisco Charter itself. If Britain is pulled into the orbit of the collectivist countries, it will be a distinct threat to everything we have stood for here in America and for many of the things for which the war is being fought.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. SMITH. I yield.

Mr. AIKEN. I should like to add that as an elected Senator, the Senator from New Jersey in supporting the reciprocal trade agreements was simply carrying out the very definitely announced principle of the Republican Party, as set forth in its platform.

Mr. SMITH. I agree; and I should like to point out that it was also set forth by the Republican Party's last three Presidential candidates, Mr. Landon, Mr. Willkie, and Mr. Dewey.

Mr. AIKEN. That is certainly true.

Mr. SMITH. In considering the Bretton Woods proposals which we adopted last week, I had an even more difficult decision to make from the standpoint of my tradition and background than I had in the case of the reciprocal trade agreements program. While I felt from the beginning that the Bretton Woods agreements were further milestones on the road to peace, and that, therefore, I wanted to support the principles which they represent, I was in serious doubt about the methods which the program proposed. In line, however, with my conviction that we must not leave a stone unturned in moving forward in the direction of international cooperation, I voted for the proposals as amended by the House and the Senate committee, and I voted against the other amendments offered on the floor which I felt might possibly cripple the operation of the Fund.

I was fortified in this action by the large vote in the House and by the highly commendable, cooperative attitude of the spokesmen for the American Bankers Association. This was particularly significant because the Bankers Association had originally opposed the Fund. Apparently the principles underlying both the Bank and the Fund were so universally approved that the chief criticisms were reconciled, and our banking experts generally throughout the country have indicated, I feel, their final endorsement.

I admit that the proposals and especially the Fund appear to be full of serious difficulties. Some of our most distinguished financial experts expressed grave fears as to their soundness and effectiveness. As a layman in finance, I share those fears. I am by nature conservative. I have believed for years in

the automatic gold standard for international currency stabilization. I would have much preferred our returning to it. I am opposed to the principle of managed currency; and when I found the Fund a management device, it was hard for me to support it. I realized also that our country is emerging from this war as the most powerful and wealthiest Nation in the world and we are in real danger of being expected to do the impossible. And I see the danger also of our being made the scapegoat among the other nations of the world, as I pointed out on the floor of the Senate if the impossible cannot be attained.

Under such circumstances and with my background, it took a mighty act of faith to move forward into new and untried adventures. But I made the same decision in the case of the Bretton Woods proposals that I made in favor of the reciprocal-trade-agreements program. It seemed to me that if we declined to participate in the Bretton Woods proposals, which were the result of many years of study and the deliberations at Bretton Woods a year ago of the technical advisers of 44 nations, our only reasonable alternative was to take an isolated position, as was proposed on the floor of the Senate. The proposal was that we make individual financial loans to various countries which might need rehabilitation assistance. It seemed to me that would definitely put us in the unfortunate position, which has been pictured for us many times, of being Uncle Santa Claus to whom everybody would run, and ultimately becoming Uncle Shylock, pointed at with scorn by the other nations of the world when we came to the inevitable end of the lending process. Certain of these dangers are inherent, of course, in the Export-Import Bank, but our main object there is not rehabilitation aid, so much as aid to our own exporters.

Bretton Woods seemed to me, with all its difficulties, to offer the prospect of financial collaboration to bring about rehabilitation, by having all nations of the world act together, and by placing responsibility on others as well as ourselves. In saying this I am aware that in the "pool" set up by the Fund the dollar is the outstanding valuable currency and there may be a strong tendency to draw out the dollars, as was pointed out in the Senate debate.

I supported Bretton Woods, therefore, because I felt that it was another sincere effort in the direction of international cooperation. I felt that unless the United States took an aggressive leadership the attempt at currency stabilization throughout the world would fail and we would have the inevitable "running to cover" by the other nations of the world, and the same kind of a setting up of exchange controls, embargoes, tariffs, currency depreciation, blocked currencies, and all the other evils that so beset the world between World Wars I and II.

Will it be expensive? Yes. Our share is \$6,000,000,000, and there is a wide difference of opinion among financial experts as to whether the plan will work. It does take an act of faith and hope and it is an enormous responsibility for my colleagues and for me to vote for such a

program. But, Mr. President, I have chosen in this instance, as in the case of the reciprocal trade agreements, and as I shall choose when we come to the vote on the San Francisco Charter, to ally myself with those who believe profoundly that the faith and hope of a despairing, chaotic world depend on a positive, constructive, dynamic leadership by the United States. It is my deep conviction that it is right for our country at this time of tragic crises to accept our God-given responsibility and opportunity. So I am compelled to remain positive and to say "Yes," not "No," and to add these programs with all their difficulties and with all their dangers to the other milestones on the road to peace.

There remain some further important considerations which I shall touch upon very briefly.

After the ratification of the San Francisco Charter—what?

We have created machinery by these legislative actions of ours in line with our convictions that this is the time for world cooperation politically and economically.

What kind of a spirit will make this machinery work? There never has been a time in our history when so great a responsibility rested on any one man as is now placed on the shoulders of the President of the United States. He has to make the appointment of those who are to administer the trade-agreements program that affects the industry and the livelihood of our people. He has the responsibility to appoint those who will administer the technically difficult Bretton Woods Bank and Fund. He has the responsibility to see that the United States' appointments to the various organizations set up under the San Francisco Charter are of a kind that will make the Charter possible of success.

We can all applaud the appointment of Mr. Stettinius as the United States delegate on the Security Council. It is a splendid start. But here is a situation, probably beyond all others in our history, where the introduction of anything in the nature of political appointments might well be fatal to the future survival of world civilization. These jobs will call for men and women who not only have ability in their respective fields, but who also have the broad vision of the over-all purpose of the participation of our United States in a world organization, not only to preserve the peace, but to advance the cause of human understanding and brotherhood. If ever we needed men and women of such caliber, it is right now; and those of us who are here in the Senate have the responsibility to give our every assistance to the President in the making of these choices. And I urge that the President, on his part, and his advisers see the vital necessity of eliminating partisan politics, and seek as appointees to these offices only those who, irrespective of party, have the vision of the place of the United States in this vitally important postwar period.

We have another responsibility which is on a par with this responsibility for world collaboration. This other responsibility has to do with the further

evolution in America of the true principles of democracy and self-government. We have been called the land of the free and the home of the brave; and because we have demonstrated that human freedom is the true foundation of human progress, we are now called upon to give the world an example of the constructive possibilities of that concept. We are definitely challenged to demonstrate that in free America there is equality of opportunity for all, without regard to race, creed, or color. The example of the postwar emergence of our great free Nation will be the example which other nations will be impressed by and will wish to follow. I am not afraid of any foreign ideologies taking hold of America as long as America remains true to her own traditions.

I have referred to faith and hope as vital to the future of the world. Let me urge that we, as a great people, demonstrate that faith and hope. Let us have faith in each other; faith in the sincerity of the people of the United Nations who are looking to us for leadership; faith in our institutions—the Constitution of the United States; faith in the God of our fathers who guided our early destiny, and who will continue to guide us and the other nations of the world into the paths of human understanding and peace.

Mr. President, my fears and conservatism have given way to my faith and vision. We are able to pass another milestone and in passing it, we are saying to the other nations of the world:

We all now know that none of us can live alone;

We are all interdependent;

We must all work together both politically and economically;

We will trust you and you must trust us;

We in the United States desire to move forward hereafter, not apart from the world, but as a part of the world;

God grant us the courage and consecration to rise to this opportunity and this responsibility, and may the United States Senate, in ratifying the San Francisco Charter, become in a true sense ambassadors of good will to all peoples of the world.

It is in this spirit, Mr. President, that I shall vote with enthusiasm to ratify the Charter of San Francisco.

Mr. HART. Mr. President, we shall soon ratify the United Nations Charter, and my vote for ratification will be cast without mental reservations. I am not proposing any changes or reservations to the charter, and shall be expressing no thought calling for any specific action now.

The original main motive of the movement for international organization, at Dumbarton Oaks and before it, was the maintenance of peace, the future security of ourselves and the rest of the world against any further damage from the armed forces of aggressive nations.

The Charter which stands as the framework of that difficult project does not present assurance of such security. That essential result remains to be achieved under proper political leadership. It will mean leadership, Mr. President, which is sufficiently unselfish and

which, above all, is wise. In the creation and in the operation of the implements which are to develop from the Charter, much remains to be done. It is upon wisdom in those fields that the maintenance of peace in the world will depend. This body, the Senate of the United States, is in a position of leadership, and its members have well demonstrated the intellectual power and the wisdom which the future requires.

The Senate spent many hours last week on legislation to provide some of the implementation which is generally held to be essential to the commitments which we make under the Charter. That legislation last week was mostly about money—our money—to be obtained through rigorous taxation of the people of the United States. Of course, the money which our country will supply in accordance with the Bretton Woods Agreements, and through the Export-Import Bank, is only a medium. That money really means and represents the product of our soil, and of our store of minerals, as converted by the labor of our workmen in the industrial establishments of our country.

The much-respected majority leader, the senior Senator from Kentucky [Mr. BARKLEY], at the end of last week's debates stated that those debates were on a particularly high plane. There seemed to be no doubt in the minds of those who were present of the truth of that statement. The debate over the Bretton Woods Agreements was long, quite complete, and will read very well in the years to come.

At one point it was argued that the United States Government should at once commit itself to the expenditures under discussion because, in the case of Britain, for example, we would then be in a position to call for help in the war which remains to be won. That is an unusual method of bargaining, but bargaining it would be.

Now, Mr. President, we should not need to bargain with Britain along that line, because British leaders have repeatedly promised to participate in the Pacific war to the extent of their power.

On May 19, 1943, Mr. Winston Churchill spoke before the Seventy-eighth Congress meeting in joint session. Many Senators will recall, for it was a momentous occasion, that at one point in Mr. Churchill's splendid address he concluded his Nation's promise to remain with us in the war with the words:

While there is breath in our bodies and while blood flows in our veins.

It was the only place in his address where the Prime Minister made more than the slightest gesture. It was with an eloquent gesture and with great emphasis that he pronounced the words:

While there is breath in our bodies and while blood flows in our veins.

It is fair to say that everyone who heard the promise was impressed with the utter sincerity with which the British Prime Minister pronounced those words. We have no adequate ground for thinking that there has been any change in the wish or the desire of Britain to fight by our side until Japan is crushed, as we have helped to crush Germany. That

means, Mr. President, that we expect Britain to fight as effectively as her remaining power will permit. As we all know, such power depends considerably upon the spirit of the people and their will to fight. The will and spirit of most of our allies is greatly affected by the exhaustion of nearly 6 years of war. There is a weariness which must be realized and considered in its bearing upon all our own plans. The evidence is clear that such is the situation.

On that point, Mr. President, I may say that the last few months have disclosed portents, as regards the war against Japan, of which we can well take count. It is now known that a detachment of the British Navy is fighting with our forces in the northwest Pacific. Fleet Admiral Nimitz does not need those forces, because by the time they joined him he had already beaten the Japanese Navy at sea and in the air. Our own sea power was already sufficient to do what then remained to be done.

It is known that those British naval forces came from European waters or from the Indian Ocean. The sea routes over which they traveled to join Nimitz are not known, and in any case it is not important. The supply line, the route over which the British naval detachment receives its necessities, is vastly important. We do not know just what that route is, or where lie some of the sources of supply; but we do know that it is not the direct route through the waters of the Netherlands East Indies.

Mr. President, geography has become almost our greatest enemy in the Pacific war because of the logistic problems with which our own forces have contended for some time, and which daily grow more difficult. In point of demands upon shipping, the movement of petroleum products to the forces on the fighting front constitutes the most difficult logistic problem. Several Senators have had a first-hand view of that problem and will appreciate its great magnitude. The enormous amount of fuel used by the ships, by the planes, and by motor transport on land, has been crossing the vast Pacific at its broadest point. The effort consumed in getting that fuel to the point of use is tremendous.

There was a way to reduce that logistic problem, if it could have been followed. By the date of the Normandy invasion, now well over 1 year ago, the Allied naval forces had fairly well won their part of the Atlantic war insofar as combat was concerned. The Germans had been beaten off the sea. Even their submarines were no longer effective, and the German planes had been driven out of the air. If, many months ago, the British Navy had brought amphibious power into action from the Indian Ocean and thus driven into and through the Netherlands East Indies, an extremely effective contribution to the Pacific war would have resulted. In such case, the British forces would have been following their shortest route to the northwest Pacific, which is the vital theater of war, and their own supply line for nearly all purposes would have been direct. The main point of it all would have been the easy availability of the Arabian and Persian oil fields which now contain the

world's greatest known reserve of petroleum. Better still, such a campaign might conceivably have opened the Sumatra oil fields, the best in the Netherlands East Indies. That would have enabled the Dutch to make a really effective contribution to the war; but even without Dutch oil our own forces could have received a part of their fuel over the shorter route to the Arabian fields.

Those statements may be no better than conjecture, but, in the main, their truth can be estimated by anyone who casually studies the maps. It is therefore submitted that the statements at least approach fact, and the question arises: Why was that drive eastward from the Indian Ocean not started some time ago? It is to be sincerely hoped that no criticism is held to be voiced, or even implied, by any man who asks the question. Speaking for myself, I shall certainly be one of the last even to hint criticism of the British Navy. For generations, professionals of all the navies of the world have felt only high admiration and the greatest respect for the British Navy.

To my mind, Mr. President, the reason the British did not drive into the Netherlands East Indies and through the Malay barrier was simply that they felt they could not, despite the weakness of the Japanese forces which would have confronted them. The British were tired from the long years of war and, despite their sincere promises and desires, and those of our other allies as well, we of the United States had best realize that our own forces must continue to bear the main brunt of the war in the Pacific.

But to get back to our subject. After that illustration of conditions which face us, I had brought up the question of bargaining power. The record of the United States Government in the use of bargaining power in its international relations does not constitute history of which we can be altogether proud.

There is now available a considerable mass of reliable history of President Wilson's administration as regards events in the international field.

It shows that if President Wilson, in 1917 and the early months of 1918, had used the bargaining power which lay ready to his hand he could have forced the disclosure of certain secret treaties and agreements which existed between the Allied Powers. It still has not been disclosed whether or not President Wilson had private knowledge of those treaties at any time before he was confronted with them when he arrived at Paris to take his part in the treaty negotiations of late 1918. It is possible that he did know of them, but quite evident that in such case his information had not come in such a way that he could use the knowledge in the interests of the United States, and particularly in furtherance of his own designs for the peace. In consequence, the negotiations in Paris began with the presentation of certain agreements, among our European allies, laid before President Wilson as fait accompli. Naturally, the President was plagued, and even thwarted, at various points in those negotiations because he had not used his bargaining power at a time when it could have been effective.

Mr. President, there is a certain similarity between the situation during this war and for some time before our own active participation began. It can be said that President Roosevelt did obtain a bargain when we gave the British Navy 50 destroyers before we were in the war. We did obtain leases for bases at certain places on British territory in the western Atlantic. Those leases run for 99 years and, so far as can be seen, upon terms which are adequate insofar as our necessities for military and naval bases during this war are concerned. It is quite definite, however, that they cannot be used for our commercial purposes after the war. The leases, for instance, do not provide that our air commerce can utilize the flying fields which have been built at the expenditure of United States money.

Incidentally, our expenditures on that foreign territory add up to a good deal of money. Anyone who now inspects those bases can see that we did not need go to the lengths to which we did go when we constructed them. But to say that amounts to expressing wisdom some time after the event. Those expenditures probably are defensible in the light of the great uncertainties which existed at the time.

However, Mr. President, some other expenditures were made on this continent, but outside our own territory, which, in my opinion, are scarcely defensible. I refer to the heavy costs in money, materials, and in expenditures of scarce labor which were embarked upon, in 1942, in the Canol project to get petroleum products out of north Canada; also on the Alcan Highway, in the same general locality, to provide road communications between the United States and Alaska; lastly, on the International Highway, which was partly built from our southern border to Panama. Those expenditures turned out to be virtually useless for our part in carrying on the war, and it is submitted that proper wisdom at the time would have shown that they would be utter waste. The decision to embark upon those three projects could have been supported only on the thesis that there was grave danger of loss of our control of the sea even in the waters adjacent to our own coasts. Any arguments to support such a possibility would have been extremely far-fetched, and it is difficult to understand how we came to commit ourselves to such wastes of men and materials. Again I have digressed.

Now, Mr. President, in order to support the war across the Pacific, we have also made large expenditures for bases at various points in the Central, Southern, and Western Pacific. Several Senators have seen some of them, have realized the rather brief periods during which they were used, and no doubt wonder why. Again, to be too critical would mean displaying wisdom after the event; but certain of those bases also do seem to have been overbuilt.

Though war is all waste, perhaps there has been far too much of it in many places. The frugality of lend-lease measures, for instance, has been questioned. However that may be, the serious point now is that several of those

Pacific bases also are located on foreign soil and, so far as is known, we have wholly failed to obtain agreements under which we can make any postwar use of them whatever. All of those bases on foreign soil lie in the South Pacific. Anyone who recalls the situation and the circumstances of the war as affecting our allies at the time seems justified in assuming that a certain amount of judicious bargaining could have put us in a position to obtain some postwar returns from those heavy expenditures on foreign soil, and without any cost to the Allies concerned.

The summation of the history of our international relations over the last 28 years strongly indicates that the United States Government has not been adept in its use of bargaining power. While possessing relatively heavy power of that sort, we usually have failed to look to our future well-being in any field whatsoever. The question has been asked repeatedly why did we not obtain commitments which were our just due and which could have meant little or no sacrifice on the part of our allies. To that question the answer has been given that it was unfair for a Nation as strong as the United States to take such an advantage over a hard-pressed ally. Some even have said that it would not be proper sportsmanship thus to quibble and drive bargains with any ally in a difficult situation. Perhaps those views are correct and perhaps our future strength, in all fields, will remain such that, for example, we will have no need for any strings whatever on the rather vast installations which we have set up on foreign soil. That can be true, but its truth would seem now to depend altogether upon the good will of other nations. The point of all this illustration is, Mr. President, whether or not we shall in the future have the word "bargain" in our dictionary as we negotiate with other nations from now onward. We still have some bargaining power left and, in my own quite humble opinion, it should be used.

The Senate will soon ratify the United Nations Charter. Within a period of 2 weeks the Senate will have taken that step and Congress will have also passed legislation on measures which are designed to implement the Charter—the Bretton Woods Agreements, the revised Export-Import Bank and membership in the Food and Agriculture Organization. Those actions of Congress are highly popular throughout the country, and public opinion is without doubt strongly arrayed behind all the actions which the Congress has recently taken. In later years we may come to see that the shaping of public opinion in that direction has led to grave error by engendering the belief that not only is the United States the essential cog in the international organization—as it no doubt is—but that our position in the leadership of the future world carries with it the obligation to do too much toward that world's rehabilitation. It seems advisable that now, or at least in the early future, we of the United States back off, take stock of the probable situation as to the war still to come, and reestimate our own international obligations.

Mr. President, the war is over in Europe, insofar as combat is concerned, and the attention of our gallant allies quite naturally is centered on the affairs of Europe. Those affairs lie close at their hands; and much of the best thought in Europe has to be directed toward straightening out most perplexing situations all over that continent. The leaders of Europe also have on their minds the absolute and immediate necessities of their own countries and of their own people, which are naturally of first moment to them. We cannot expect that the Japanese war now lies anywhere near as prominently in the minds of our allies as it lies with us.

The United States are carrying on most of the war against the Japanese, and it looks as if we shall continue to do so. We hope for and expect some help in it, but a calm analysis of the conditions and circumstances of today clearly shows that the main burden will rest upon us.

The Japanese will eventually be defeated. We hope that will be soon, but it may take some time, and the political and military leaders of this country are obliged to plan to carry on a costly war for quite a period. The strain upon our armed forces and the war effort within this country bids fair to continue to be very high.

We already stand considerably depleted in our basic national strength and power as compared with what it was, say, 2 years ago. If the Pacific war continues for years, as it may, the end of it will see us most seriously depleted. That possibility must be faced as we decide upon what we can and should do to help the rest of this devastated world. We should look well ahead.

There is abroad in the land too much of a feeling that we are powerful and strong enough to do almost anything for the rest of the world; that America can continue to pour out its strength, that it is our plain duty to do so, and that, in short, no outside burden is too great for us to undertake.

The aggregate of the necessities of the rest of the world are simply enormous—far greater than they have ever been, at least in modern history. When one backs off and estimates that magnitude, at the same time doing one's honest best to estimate our own abilities to improve the lot of other peoples, one can only conclude that our 140,000,000—less than 7 percent of the world's population—cannot do it all, cannot assume all the burdens or even a large part of them.

We will be wiser if we keep a reasonable estimate of our ability to carry burdens more firmly in mind than is indicated by much of what is being said and written these days. Having made such estimates, the best wisdom that we can bring to bear should decide on what loads we should assume; and to what points and in what ways our surplus strength can be applied for the most rapid program in the rehabilitating of the world.

To illustrate my meaning, Mr. President, I mention the project of the Honorable Secretary of the Interior that we ship 6,000,000 tons of coal to Europe at once. That sounds simple; but the doing of it would not be simple. There is

also a proposal that 30,000 miners be recalled from the armed services to get the coal out. That was Mr. Ickes' proposal. Perhaps the armed services could spare that equivalent of about two Infantry divisions. Anyhow the proposal is that we limit our consumption very drastically, if need be, in order to make the shipment. Let us assume that we could do it. Six million tons of coal requires some handling. After the coal is out of the ground, it must be sent to seaports over our railroads at a time when rail traffic is more stressed than it has ever been before. Mr. President, 6,000,000 tons of coal may not sound like anything very big, but to get it across the Atlantic will require many hundreds of round trips of our freighters. If we use our best ships, something like 700 of those 7,000-mile voyages would be required. In practice, the number might approximate 1,000 round trips from our seaboard to European ports. Those ships will themselves burn great amounts of fuel in thus carrying coals to Newcastle. We know that harbor capacity on the continent of Europe has been greatly reduced by the war. Cargo handling facilities are sparse, and lifting 6,000,000 tons of coal out of the holds of ships which are not adapted to carrying that commodity is a task in itself. In short, Mr. Ickes' fuel project means a great deal of work for us to do.

Now, Mr. President, there are many coal mines distributed over northwest Europe—in Germany, France, Belgium, and even in Holland. Once coal from them arrives at the surface, its distribution to the points of use is likely to be easier than if the distribution started from war-damaged seaports. I submit that before the Honorable Mr. Ickes' project was so emphatically advanced, it would have been well to have estimated what this effort would cost us as balanced against the effort of getting the coal from the numerous mines of Europe.

Incidentally, I do not mean to be criticizing Mr. Ickes. He is a very hard-worked official, and he seems to have to act as Solid Fuels Administrator in just a few minutes of his spare time. Some subordinates, of course, thought up that 6,000,000-ton project. I do not believe as has been said in certain quarters, that Mr. John L. Lewis really has anything to do with it. Those bright young men in the Department of the Interior probably produced the idea; and it is such errors of judgment as that in our international dealings which I seek to illustrate and to warn against.

Mr. President, we shall ratify the charter and loyally fulfill our commitments thereunder. But above all we must remain a strong America. We must not break the back of America in ill-judged attempts to carry the burdens of all the rest of the world.

Mr. HAWKES. Mr. President, I shall vote for the Charter of the United Nations which, when adopted, will provide an international organization for the purpose of keeping the peace of the world and which will likewise establish an international Court of Justice and a Council to study and improve the social and economic conditions of the people of the world under the plan now familiar to

every Member of the United States Senate.

For more than 10 years I have publicly stated that there is no more reason why nations should settle their differences by wholesale murder in the name of war than there is that the people of the United States should settle their differences by imposing the will of the strongest upon those unable to combat their strength. Generally speaking, we in the United States settle all our differences, no matter how great they may be, through the established agencies of law and justice.

Regardless of the fact that the people of the United States generally keep the peace of their own volition, we nevertheless maintain and use a police force as an agency to enforce the law and keep order on occasions when people are disposed to take the law into their own hands.

Before going further in my statement, I wish sincerely to compliment and pay my respects to the American delegation which went to San Francisco in the hope of producing an agreement which would be acceptable to all peace-loving people. I believe that Hon. Edward R. Stettinius, Jr., Secretary of State, the distinguished chairman of the Foreign Relations Committee of the United States Senate [Mr. CONNALLY], the senior Senator from Michigan [Mr. VANDENBERG], Hon. CHARLES A. EATON, a Member of Congress from the State of New Jersey, which I in part represent, and Hon. SOL BLOOM, as well as the other delegates, are entitled to the thanks and gratitude of all the people of this Nation. They have done their duty in bringing to this body an agreement which I can vote to ratify on the ground that I believe it to be the best plan that it is possible to provide and have accepted under the conditions confronting all the nations of the world.

Mr. President, before I came to the United States Senate I knew that human relationship which produces effective cooperation results from a give-and-take attitude. Some call it a compromise of viewpoints, but "compromise" tends to indicate an abandonment of principles, so I prefer to call it an adjustment of viewpoints without the abandonment of principles. It seems to me that is what was accomplished at San Francisco.

No one in his right mind could fail to place the establishment and maintenance of peace on the highest level of human objectives.

The price of peace is the building of character and the maintenance of principle, coupled with the proper interpretation of the spirit expressed in the Golden Rule from the Sermon on the Mount.

I take it that no Senator who votes for the ratification of this Charter believes that the words in the Charter or the paper on which they are written mean more than a guiding post to those who wish peace, founded upon justice and equity in human relationship without unnecessary limitations upon individual initiative and accomplishment.

I do not interpret the Charter to mean that any nation wants the will of other nations imposed upon it in connection with the form of government which its

people should freely choose for themselves.

It seems to me this charter step announces a new era in the history of mankind and new opportunities for nations and their people to develop the best there is in the human being without fear of aggression of the kind that enthrones might and dethrones right.

The world will not be changed in a minute, for just as it takes a lifetime to develop a Christian character or a Godly reverence, so it will take longer than the time of any of our lives to bring this program into complete fruition and accomplish the objectives which instituted its creation.

Mr. President, there are many reasons, doubts, or dissatisfactions that could be expressed by anyone regarding this Charter, but there are also many reasons that can be advanced for accepting it as it is, with the protective provisions that have been incorporated in it.

There is one outstanding reason for its ratification, which so far outweighs any fears and doubts regarding its workability that it leaves no question in my mind as to my duty to vote for its ratification. That one reason is the desire of the human family for peace. This Charter furnishes the way to peace, provided the leaders of the people of the world are sincere and honest in their desire to keep the peace and to help one another see and find a better way to live.

The Charter will be just as good in accomplishing the desired objectives as the people, by their actions, make it. To make it work will require tolerance, patience, understanding, and spiritual guidance. Practicalism must be sufficiently intermingled with idealism to produce a balance that will work in this practical world.

Mr. President, we cannot run the world based alone upon the impulses of the heart; nor can we run it entirely based upon the direction of the mind. The impulses of the heart are often too warm, and the calculations of the mind are often too cold to satisfy the human family. Therefore, these two members of the human body must meet on a common plane and each must serve its purpose.

I shall not attempt to analyze the Charter, because that has been done with clarity and completeness by the distinguished chairman of the Foreign Relations Committee [Mr. CONNALLY], the Senator from Michigan [Mr. VANDENBERG], as well as other Senators who have spoken in this Chamber.

I do, however, wish to point out what I consider to be three important methods to be pursued by those directing the affairs of the international organization, if and when it is approved by a sufficient number of the nations involved.

No. 1. Let there be full and complete publicity regarding the deliberations in and operations of the international organization, as well as the facts regarding the general conditions affecting the welfare of the citizens in each individual nation member.

No. 2. Let us establish proper controls and continue to maintain proper controls over the people of the nations who

have broken the peace and caused this horrible war—World War II.

No. 3. Let the international organization appoint a committee of inspection to report to the world every 6 months, or certainly not less than once a year, on war facilities and preparations that may be going on in those countries which have the power to upset the world. Let it never again happen that great nations shall admit they knew that Germany, or any other country, was carrying on great war preparations yet took no action until the explosion of war itself occurred.

Referring to No. 1, an arc light which brings out complete, accurate, and true publicity should be focused on all deliberations and actions of the international organization so that all the people of the world who can read and understand will know what is being done in their interest and in the interest of peace for the world.

Mr. President, let those directing the affairs of the international organization make sure that the spotlight of publicity is thrown squarely upon all of the operations of this great world agency so that none may justly say that they are in the dark, and because of failure to know the facts conjure up all kinds of doubts through which they lose their faith.

I remember when I graduated from law school in Chicago, the chief justice of the Supreme Court of Illinois, in his commencement address, impressed upon the class the importance of having the people know what was being done with their affairs. He illustrated his point by saying that crime is seldom committed in the open in daylight, but usually happens in the dark or behind closed doors or in unseen places. He punctuated it by saying that the arc lights which dispel the darkness upon the streets in the night time do more to keep the peace and prevent crime than is accomplished by the whole police force. I wish those who are going to conduct the affairs of this international organization would appreciate the importance of this statement because, in my opinion, full publicity regarding all of the discussions that affect the welfare and peace of the people is vital if this organization is going to accomplish its purpose.

Mr. President, let there be no behind-the-scenes agreements and alliances between two or more nations, be they weak or powerful, whose purpose is to circumvent or defeat the objectives of the international organization. The way to make a thing work is to try to make it work, and not to try to find a way to defeat it.

Let there be no crimes behind closed doors between the great powers, to defeat the purpose of the charter and impose their will upon the Security Council or the General Assembly, thus destroying the spirit of this infant Magna Carta for world peace, which carries with it the hope and expectation of genuine individual liberty.

Let there be no news black-outs in connection with the operations of the International Organization. Let us make certain that the press, the radio, and other agencies of information to the people are able to know the facts and present the

truth promptly to all the people of all countries. Only by such a course can we expect the Charter to live, grow, and strengthen itself, and to work in the accomplishment of its goal.

Let the press, the radio, and the other agencies of information recognize their responsibility, not to tear down, but to build up insofar as lies within their power and, above everything, to give the people the true facts, so they may have accurate information on which to base their own judgments.

Number 2. Let those directing the affairs of the International Organization realize that it is more important to keep the proper controls upon the people of the nations who have broken the peace and caused the horrible war in which we are now engaged, than it is to work vengeance upon the people of those countries, large numbers of whom were not responsible for the acts of their leaders.

Mr. President, so that there may be no misunderstanding as to my feelings with reference to the punishment of those who can be proven guilty of starting this horrible World War II, let me say that I have always held and I still maintain that unless those responsible for starting and making necessary wholesale murder are tried and, if found guilty, convicted and punished, then we should do away with the enforcement of law against criminals throughout the world.

In my opinion no greater crime ever has been or can be committed than the crime that rests upon the shoulders of those who engulfed this world in our present war. We must remember that history, in its finality, writes rather accurately and that we cannot erase the events of the past. Therefore, if we believe in justice we must apply it coolly, calmly, and squarely in keeping with the rules for punishment of criminals; and I, being an American, am in favor of our American form of justice.

It has always been said in this great country of ours that the punishments meted out by the law are not meted in vengeance, but to impose obedience of the law upon the people and to eliminate those who are a menace to society. If that rule is good enough for the United States, it should be good enough for the world.

I emphasize again, Mr. President, that we will do much for the future peace of the world if we determine to keep the proper control of the people of the nations that have caused these wars, and not relax those controls as we did after the last war and as time wears on and we become engrossed in the regular affairs of life. Let us keep these controls for 50 years or longer, if necessary. I say this advisedly. But let us not lose the controls and later wreak vengeance on those who are not responsible.

Nothing is more important than that we should decide upon the right controls and then keep them—controls that do not deprive the people of any country of the opportunity to make a living and to reform as education in right human relationship is unfolded to them.

No. 3. The international organization could well consider the establishment of a rotating committee, composed

of a sufficient number, even though it runs into hundreds, of the most eminent engineers, statesmen, lawyers, and diplomats, for the purpose of inspecting every country in the world which was capable of making war preparations of sufficient magnitude to engulf the world again in war.

This committee of inspection should be appointed by the international organization itself, and should carry as many members as necessary, with at least one member from every nation; but the member from that nation should not be on the committee inspecting the affairs of his own nation.

Mr. President, the reports of this committee should be made directly to the international organization and by it made public to the world at the earliest possible moment, and the time for making the reports should be specifically set forth in the action by the organization creating the committee. There should be no possibility of delay beyond a given point. Each inspection report should be made public, regardless of its implications; and truth, plainly expressed without ambiguity, should be the purpose of the report.

I would have that body divided into groups and assigned to the inspection of the countries of the world, including our own, which possess important war-making power; and as time went on I would add any nation to the list of those to be inspected if the developments in that country justified it.

Mr. AUSTIN. Mr. President, will the Senator permit an inquiry at this point?

Mr. HAWKES. I shall be very glad to do so.

Mr. AUSTIN. There is a certain part of the Charter which we are considering which bears directly, I think, on the subject with which the Senator is so impressively concerned at the present time. I have an idea that the suggestion which the distinguished senior Senator from New Jersey makes would be quite properly taken under consideration by the committee which the Charter envisages to be set up for the purpose of reduction of armaments and adjustment of armaments. The whole matter will have to be considered, and of course there will come a time when production will be tempered or should be tempered to the quantity of armaments necessary to maintain the quota which is assigned to or agreed upon for each country. Does the Senator further develop his point to include such specific action under this Charter?

Mr. HAWKES. I am very glad that the distinguished Senator from Vermont has asked me that question. I realize that we have attempted to do many things in the past. Let us not forget that in the past we have held most important conferences, as a result of which we have junked ravies and done many different things. I am asserting that this report should be called for; that it should deal specifically with investigations concerning preparations, as well as the ability to produce war materials and apparatus, and that there should be a specific call for a report over the signatures of distinguished men. I think the Senator will agree that if a group of able men had been required to make a report over

their signatures 8 or 10 years ago concerning what they knew about Germany, the peoples of various countries might have moved forward in a way which would have prevented Germany from doing what she did.

Mr. President, I want this matter specifically provided for at the earliest possible moment. I am not attempting to define now when that moment shall be. I have had this thought in mind for a great many years. I have been in England, France, and Germany. Five or six years ago my wife and I had a conversation with one of the ablest men in the military service who had just been all through Germany. His ancestors were Austrians. His father had been a distinguished Austrian cavalry officer. The man to whom I refer told us all about Germany's preparations and what he expected would take place. He came to Washington and told it to some of the officials of our Government. Nevertheless, we went on our way just as we had been going.

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. HAWKES. I yield.

Mr. REVERCOMB. I did not intend to interrupt the very interesting statement of the Senator from New Jersey until the query was made by the Senator from Vermont [Mr. AUSTIN] with regard to the limitation of armaments. I trust there is no indication in this proposal of any desire on the part of the Senate of the United States, or of the Government of this country, to reduce or to limit in size the great Navy which has been built up by this country.

The Charter contains a provision that certain suggestions may be made and submitted to the governments involved. I think that provision is a saving force in that the decision will be submitted to the government involved. But I cannot allow the situation to pass without the comment—and I have commented on the matter before in the Senate—that today we have the greatest Navy in the world, and the greatest air fleet. It is my hope that no step shall be taken to reduce the naval strength of this country.

Mr. HAWKES. I am glad the Senator has brought out that point. I know he appreciates the fact that the entire world knows we have the kind of a Navy to which he has referred. What I am talking about are things which the world does not know exist, or if it does know they exist it pays no attention to them.

For a long time I have believed that the United States must be strong enough to protect herself in any emergency. I realize that the people of New York City are, generally speaking, law-abiding people, and it is to be assumed that they wish to obey the law. Nevertheless, that city has found it necessary to maintain a police force of approximately 19,000 members. I believe that we are justified in maintaining our military forces. I think we are reaching a new era in the affairs of men.

Mr. President, it may seem strange for me to be talking in this way because I am a pretty practical individual. But I think that this proposal is one which justifies our unqualified support unless

and until we find out—and I pray God that that time will never come—that all the other peoples of the world say that it will not work or are unwilling to cooperate in making it work.

Mr. REVERCOMB. Does the Senator feel that the peace of the world will be largely secured when peace-loving nations who have no reason to be aggressors are strong in their armed might, as I hope this country will continue to be for years to come?

Mr. HAWKES. I would say, yes, when they are strong enough to assure that things happen which they want to happen for peace. For some reason or other, although each of us who drives an automobile, for example, wishes to cooperate in obeying the law when he drives upon the highway because he feels that the laws with respect to traffic should be obeyed in the interest of the personal safety of everyone, nevertheless I venture to say that all of us will admit that the fact that there are enforcement officers of the law along the highway has something to do with our keeping within the speed limits and obeying all traffic laws.

We must keep our nations strong enough to protect ourselves against all eventualities until we learn from experience that the other nations of the world are as deeply interested in abolishing war and maintaining peace as we have expressed ourselves to be. I hope it will be only a few years until we find the world ready to get rid of the expense of making war. The power to suppress evil is a strong force in preventing evil from starting.

Mr. President, it has been said that none of the countries would be willing to have the inspections to which I have referred made by a rotating committee of the international organization. My reply to that is that if our professions and expressed desires for peace are sincere and honest, within a very short time after the formation of this international organization no country could safely refuse to have the conditions regarding its war-making facilities and efforts reported to the world.

Mr. President, I presume here to inject this thought: I believe the people of the world, knowing our record during the past hundred years, if they found we had a great Navy and a great Army, would feel entirely different about it than they would if Germany or Japan had the same kind of an army, or if some other nation had a similar kind of military force which other nations had not learned to trust.

I have discussed this point with many fine Americans throughout the country, and they all feel that it is worthy of consideration of those who are to be charged with making and keeping the peace for humanity throughout the world.

I made this suggestion 4 years ago, to the Sons of the American Revolution of the State of New Jersey, in a speech before their annual meeting, because I considered it was one step which seemed to me imperative if we wished to avoid being engulfed in another world war.

I stated at that time that the first important step was to get an agreement of at least the important powers on some

satisfactory form of international organization with power to establish and apply a code of international law, which the world has sadly needed from time immemorial.

Let me say in connection with the point regarding honest and full publicity on time, coupled with this inspection and report to the people on the state of affairs regarding the production of war materials and the preparation for war, that if it is carried out honestly and intelligently there will be little possibility of false leaders in any nation plunging their country into war, or war conditions, without the people knowing it.

I have more faith in an informed people wanting to keep the peace than I have in the political leaders of the people wishing to keep the peace. It is my prediction that if we can give the people full information as to where their leaders are taking them, we will have done more to avoid future wars than we can by any other method.

It has been stated that God guided well our forefathers in establishing more clearly than ever was established before that man is a free agent and has inalienable rights of which no one should deprive him.

Let us hope that God may look upon this venture, with all of its possibilities for good or ill, and guide us in such a way that some day billions of people may look back upon this turn in the tide of affairs and say that our Charter action, taken here now, started the world to answer the call of Him who said: "Peace on earth, good will toward men."

Mr. President, it gives me deep satisfaction to be a Member of this great deliberative body, sitting here at this critical time in the history of the world so that I may record myself in favor of the ratification of this Charter, and express the hope that God Almighty will be the guiding power in our efforts to build a peaceful world with happiness for all who are willing to accept the responsibilities which are the price of peace and happiness.

Mr. AUSTIN. Mr. President, it is now 5:30 o'clock. I had a tentative arrangement with those in charge of the program to address the Senate today, but I discovered about 1:30 o'clock that the rules of the game had been changed, and I did not know it, that now the names of Senators are being put on a list of some kind. I seek the floor now, Mr. President, but I do not insist on speaking tonight if I can retain the floor and occupy it tomorrow morning.

Mr. BARKLEY. Mr. President, there will be no objection to that. We have done that in the last day or two. We have proceeded in an informal way, so that I am sure there will be no objection to that proceeding.

Mr. MORSE. Mr. President—

The PRESIDENT pro tempore. The Senator from Vermont has the floor. Does the Senator yield?

Mr. AUSTIN. Does the Senator from Oregon wish to ask a question?

Mr. MORSE. I desire to make a comment on the Senator's request to have the floor granted to him with the understanding that he will have it at the beginning of the session tomorrow.

Mr. AUSTIN. Mr. President, I am willing to yield if I can yield without losing the floor.

Mr. MORSE. I have no desire to take the floor until I make my comment, but I think it only fair that I inform the Senate as to what I wish to say.

I will say, Mr. President, that I have a few remarks I desire to make tonight, and if the Senator from Vermont will yield long enough for me to make my remarks I have no objection to the request he has made, but I am going to file an objection, if I have any right to file an objection, to the Senator being given the floor now with the understanding that he may exercise his right tomorrow morning at 11 o'clock when there are some matters which I wish to put into the Record this evening.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. PEPPER. I do not know what purpose the able Senator from Vermont has in mind, whether he proposes to address himself to the pending subject or not.

Mr. AUSTIN. Yes, Mr. President; I had expected to do so earlier in the day. I think the Senator from Florida was not present when I stated that I discovered this afternoon about 1:30 o'clock that there was a different rule prevailing than the one I knew about. I have not made any effort to carry out the agreement I had made to speak today. I had not gone to the Presiding Officer and asked to have my name placed on a list of speakers I expected to rise in my place, under the rule and under the announcement which had been made, which I heard, that the first Senator recognized would have the floor. I found myself confused by this discovery, so I have risen now and claimed the floor.

Mr. PEPPER. Mr. President, I am sure the Senator will recall the rule in equity that as between equities which are equal in dignity, the prior equity prevails. Yesterday I made the discovery which the Senator has made today. I also intended to make some remarks upon the pending subject, and came to the floor expecting to seek recognition. I discovered that there was an informal list, which was made up, about the sequence in which Senators might speak, and it seems to be quite generally acquiesced in.

The PRESIDENT pro tempore. Oh, no. All those who have suggested that their names be put on a list were distinctly told that they would have to be seen first by the Chair before being recognized. The Chair announced earlier in the week, at the very beginning of the debate, that he would enforce the rule about recognizing the first Senator on his feet, and the Chair has faithfully tried to do that. The list the Chair has is quite a long one, and it merely indicates to the Chair those who intend to speak. But the Chair is going to adhere to the rule that the first Senator on his feet seeking recognition will be recognized. That is what happened when the Senator from Vermont [Mr. AUSTIN] just a few moments ago addressed the Chair. He was on his feet

and asking for recognition, and the Chair recognized him.

Mr. PEPPER. The Chair is undoubtedly quite correct, but I am sure the Chair will also observe what I have observed during the day, the list has been followed except that the Senator from Delaware [Mr. TUNNELL], who was on the list to follow the Senator from Montana [Mr. WHEELER], yielded to the Senator from Illinois [Mr. LUCAS], the Senator from Illinois took his place on the list, and we had more or less assumed we had dropped back into the old formula.

The PRESIDENT pro tempore. The Senator has assumed wrongly.

Mr. PEPPER. I beg the Chair's pardon.

The PRESIDENT pro tempore. The Senator has proceeded on the wrong assumption. The Chair is going to enforce the rule and recognize the first Senator who asks recognition. It is unfortunate if the Senator has asked recognition and not been recognized, but the Senator will be recognized whenever he gets on his feet and asks for recognition and the Chair sees him. There is a list here, but merely of those who have indicated they wanted to make speeches, and the Chair has told each and every Senator that he must rise and address the Chair and be recognized by the Chair in the usual way, in accordance with the rules of the Senate.

Mr. PEPPER. Of course, the Chair has stated the matter, and that is all there is to it. I was not able to finish the statement I wanted to make, namely, that, whether rightly or wrongly, I had, at least personally, generally relied upon the sequence which had been followed during the day, and rose to comment because I happened to be the next one on the list. But I would of course gladly defer, even if I were, to the able Senator from Vermont, and hereafter I shall seek recognition and obtain it, as the Chair says, when the Chair sees me and recognizes me.

The PRESIDENT pro tempore. The Senator will be recognized whenever the Chair sees him rise and address the Chair first. That is the rule of the Senate, and we must obey the rule.

Mr. BARKLEY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BARKLEY. When the Senate recesses and a Senator has the floor at the time of the recess, and indicates that he has not concluded his remarks, and the Senate meets the following day in recess, coming over from the day before, does the Chair hold that he has any priority as to recognition when the Senate reconvenes after the recess?

The PRESIDENT pro tempore. The Chair follows the Parliamentary in all such matters, and the Chair has just put the Senator's question to the Parliamentary. He advises the Chair that it has been a universal rule and practice that where a Senator obtains the floor before the Senate takes a recess, when the Senate reassembles the following day that Senator is recognized.

Mr. BARKLEY. Of course, the reassembling is in the same legislative day.

It is not as if the Senate adjourned and a new legislative day had begun. That courtesy was accorded to me on day before yesterday, and on yesterday it was accorded to the Senator from Ohio [Mr. BURTON]. I think the same courtesy ought to be extended to the Senator from Vermont.

The PRESIDENT pro tempore. On the advice of the Parliamentarian that procedure will be continued.

Mr. MORSE. Mr. President, my parliamentary inquiry is this: Can the Senator from Vermont [Mr. AUSTIN], without losing the floor, extend to me the courtesy of yielding for not more than 5 or 6 minutes while I do two things, namely, introduce a bill out of order, together with supporting telegrams and, second, make a brief report on the Oregon lamb problem? Would the Senator from Vermont lose the floor thereby?

The PRESIDENT pro tempore. The Chair sees no reason why the Senator from Vermont cannot yield for that purpose.

Mr. BARKLEY. No one will invoke the rule, Mr. President.

The PRESIDENT pro tempore. Certainly, if no point of order is raised, the Senator from Vermont would not lose the floor, and that would end it.

Mr. BARKLEY. No one will invoke the rule. But I do not want the Chair to make the ruling that that situation will not take the Senator from Vermont off the floor if someone should make a point of order, because if the point of order were made it would take the Senator from Vermont off the floor.

Mr. AUSTIN. Mr. President, I have a desire to accommodate the distinguished Senator from Oregon, and I would yield for his purposes if I were not to lose the floor. But it must be understood that on this matter of accepting the floor at this juncture I should not want to yield if, thereby, I would lose the floor.

Mr. MORSE. I would not impair the Senator's position with respect to having the floor.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senator from Vermont be permitted to yield to the Senator from Oregon without losing the floor.

The PRESIDENT pro tempore. Is there objection?

Mr. CONNALLY. Mr. President, I reserve the right to object. I wish to say I am very agreeable that the Senator from Vermont permit the Senator from Oregon to make this interruption, but I do not like the attitude taken by the Senator from Oregon when he got up first and stated that unless the Senator would agree to yield to him he would object to the Senator from Vermont having the floor tomorrow. I think that is a threat of coercion which is not—

Mr. MORSE. Mr. President, as I said to the majority leader the other day, I say now to the Senator from Texas, that I never threaten. I have tried to make clear to the Senate, including the Senator from Texas, that I had two matters which I wanted to be given an opportunity to present. One was to introduce a bill and present supporting telegrams in the RECORD, and the other to make a statement regarding Oregon lambs, but

I would not ask to do that if I thereby imperiled the right of the Senator from Vermont to the floor.

I want to say to the Senator from Texas, whether he knows it or not, there is a food crisis facing America because of OPA's bungling and it is time for some one to rise on the floor of the Senate and try to do something about it.

Mr. CONNALLY. I know about that. The Senator has told us about it both in the Senate Chamber and out. I am not talking about the food situation. I am talking about what the Senator said when he first rose. He then said he would object to the Senator from Vermont having the floor tomorrow unless—

Mr. MORSE. Mr. President, I think the RECORD will show what took place. Let the transcript of the RECORD speak for itself. I think I made very clear that if I had the right to make objection, I would exercise my right unless I could gain consent to make my remarks tonight.

Mr. CONNALLY. Certainly.

Mr. MORSE. That is, if I had the right I would exercise it.

Mr. CONNALLY. It was a threat made by the Senator.

Mr. MORSE. It was a statement of fact.

Mr. CONNALLY. That unless the Senator were given the opportunity to place something in the RECORD the Senator would make an objection.

Mr. MORSE. If I have the parliamentary right to object, I said I would object. I repeat it.

Mr. CONNALLY. The Senator does not have it.

Mr. MORSE. I made inquiry whether I did have it, and I said if I did have it I would exercise that right.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kentucky that the Senator from Oregon may proceed without the Senator from Vermont losing the floor? The Chair hears none. The Chair recognizes the Senator from Oregon.

REMOVAL OF RESTRICTIONS ON PROPERTY OF KLAMATH INDIANS

Mr. MORSE. Mr. President, I thank the Senator from Vermont.

At this time, out of order, and as in legislative session, I ask unanimous consent to introduce in behalf of the senior Senator from Oregon and myself a bill to remove restrictions on the property and moneys belonging to the individual enrolled members of the Klamath Indian Reservation in Oregon, to provide for liquidation of tribal property and distribution of the proceeds thereof, to confer complete citizenship upon such Indians, and for other purposes.

I may say, Mr. President, that in introducing the bill the Senators from Oregon have done so for the consideration of the Indian Affairs Committee. We are not members of the committee. We are not prepared to pass upon the merits of the bill. But we ask unanimous consent to have the bill printed in the body of the RECORD together with certain telegrams which we have received from Oregon, including telegrams from the Klamath Falls office of the American Legion,

from the Rotary Club, from the Lions Club, from the county judge, and other officials and organizations who are interested in the bill. We wish to make it perfectly clear that we are introducing the bill at their request, for the consideration of the Indian Affairs Committee. We think the bill is deserving of very careful consideration by the committee, and we shall be inclined to be guided by its report.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

There being no objection, as in legislative session, the bill (S. 1313) to remove restrictions on the property and moneys belonging to the individual enrolled members of the Klamath Indian Reservation in Oregon, to provide for liquidation of tribal property and distribution of the proceeds thereof, to confer complete citizenship upon such Indians, and for other purposes, introduced by Mr. MORSE (for himself and Mr. CORDON), was received, read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That as used in this act, the term "Klamath Tribe" includes the members of the Klamath and Modoc Tribes and the Yahooskin Band of Snakes having rights on the Klamath Indian Reservation in the State of Oregon.

SEC. 2. (a) All restrictions on the alienation and encumbrance of lands, interests in lands, or other property of individual members of the Klamath Tribe are hereby removed, and the Secretary of the Interior is authorized and directed to issue unrestricted patents in fee to the holders of such lands or interests therein.

(b) In any case in which an allottee of lands on the Klamath Indian Reservation has died, or hereafter dies prior to the issuance of a patent in fee as provided in subsection (a), without having made a will disposing of such allotment, and such allotment has not been partitioned, or the proceeds from the sale thereof distributed, among the heirs of such allottee, the Secretary of the Interior, within 1 year after the date of enactment of this act, shall cause such allotment to be partitioned among the heirs, or if such partition is not practicable because of the number of heirs or the nature of the property, shall cause such allotment to be sold and the proceeds distributed among the heirs in accordance with the laws of the State of Oregon. Priority in the purchase of any lands sold under this subsection shall be given first to the heirs of the deceased allottee; second, to other members of the Klamath Tribe; and third, to veterans of World War II and the widows of such veterans.

SEC. 3. (a) There is hereby established an Appraisal Board to be composed of one member appointed by the President, by and with the advice and consent of the Senate, one member appointed by the President from among persons nominated by the Governor of the State of Oregon, and one member elected by the Klamath Tribe. The election of such member shall be by popular vote of the enrolled members of the Klamath Tribe taken by secret ballot. Such election shall be conducted under supervision of the Klamath General Council, and no officer or employee of the Department of the Interior or member of the loan board established under section 3 of the act approved August 28, 1937 (50 Stat. 872), shall attempt directly or indirectly to influence the vote to be cast by any person, or otherwise to interfere with or take any part in such election. Any person violating the provisions of this section shall, upon conviction thereof, be punished by a

fine of \$500 and by imprisonment for 1 year.

(b) There is hereby authorized to be appropriated, out of any unobligated Klamath tribal funds, the sum of \$25,000, which shall be available for expenditure for compensation of members of the appraisal board at rates not to exceed \$5,000 per annum each, and for transportation, subsistence, lodging, clerical assistance, office supplies, and other necessary expenses.

(c) It shall be the duty of the appraisal board to determine the fair market value of all tribal property, including timber and lands, of the Klamath Tribe, and to report to Congress, the Secretary of the Interior, and the Klamath General Council within 1 year after the date of enactment of this act the results of such determination.

(d) In carrying out its functions under this act, the board may utilize the services, information, facilities, and personnel of the General Accounting Office, Department of the Interior, Department of Justice, and other departments and agencies of the Government to the extent that such facilities and assistance are needed and can be made available by such departments and agencies.

SEC. 4. (a) The Secretary of the Interior is authorized and directed, upon receipt of the report of the appraisal board, to purchase from the Klamath Tribe all such tribal property, including timber and lands, at the fair market value thereof as determined by the appraisal board, and thereafter such lands shall be administered as national forest lands.

(b) Within 1 year after the conveyance of such lands to the United States the Secretary of the Interior shall pay to each enrolled member of the Klamath Tribe living on the date of such conveyance his pro rata share of the purchase price of such tribal lands, together with (1) his pro rata share of all funds, including Government bonds, held in the Treasury of the United States to the credit of, or in trust for, the Klamath Tribe, including the capital reserve and reimbursable loan funds established under the act of August 28, 1937 (50 Stat. 872), and any accruals or additions thereto, and (2) any unpaid portion of the sum credited to such member on the books of the Office of Indian Affairs under the act of August 7, 1939 (53 Stat. 1252), or the act of June 1, 1938 (52 Stat. 605). In making the payments provided for in this section the Secretary of the Interior shall withhold from the distributive share of any member an amount equal to any indebtedness of such member to the United States or to the Klamath Tribe. All amounts so withheld on account of indebtedness to the Klamath Tribe shall be distributed among the other members of such tribe.

(c) In case of the death of any member of the Klamath Tribe after the date of conveyance of such tribal lands and prior to payment to such member of his distributive share under this section, the amount which would have been payable to such member shall be distributed as personal property.

(d) In the case of a minor, and in the case of any other person who in the opinion of the appraisal board is not competent to manage his own affairs, payment shall be made to a legal guardian appointed for such purpose.

SEC. 5. Except as provided in section 4 (b), no amounts payable to any member of the Klamath Tribe, under this act and no lands, restrictions on which are removed under this act, shall be liable to the satisfaction of any debt contracted prior to receipt of such payment or removal of such restrictions, as the case may be.

SEC. 6. Upon acceptance by a member of the Klamath Tribe of the amount payable to him under this act, such member shall have all the duties, rights, benefits, and immunities of other citizens of the United States.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The telegrams presented by Mr. MORSE are as follows:

KLAMATH FALLS, OREG., July 14, 1945.
Senator WAYNE MORSE,

Washington, D. C.:

Will you please introduce a bill to remove restrictions on property and money belonging to the Klamath Indians which is now in trust, a bill that Mrs. Wade Crawford is in Washington urging. I believe in the principle of the bill.

JIM DRISCOLL.

KLAMATH FALLS, OREG., July 17, 1945.

Hon. WAYNE MORSE,
United States Senate,
Washington, D. C.:

Will you kindly introduce bill proposed by Mrs. Wade Crawford. Believe the principal involved will benefit Indians as well as Klamath County and State of Oregon.

F. W. EERLEIN,
President, Rotary Club.

KLAMATH FALLS, OREG., July 17, 1945.

Hon. WAYNE MORSE,
United States Senate,
Washington, D. C.:

We are favorably impressed with bill as presented to you by Mrs. Wade Crawford. Would appreciate your introducing bill.

E. S. ROBINSON,
President, Lions Club, Klamath Falls.

KLAMATH FALLS, OREG., July 18, 1945.

Hon. WAYNE MORSE,
United States Senate,
Washington, D. C.:

Will you please introduce bill that Mrs. Wade Crawford is pressing. We believe the principal involved is to the best interest of the Indians and Klamath County and State.

KLAMATH POST, No. 8, AMERICAN LEGION,
By EARL TEMPLAR, Adjutant.

KLAMATH FALLS, OREG., July 18, 1945.

Hon. WAYNE MORSE,
United States Senate,
Washington, D. C.:

Will you please introduce bill Mrs. Crawford is pressing. I believe the principle involved is to the best interest of the Indians, Klamath County, and the State.

W. M. POHLL.

KLAMATH FALLS, OREG., July 14, 1945.

Hon. WAYNE MORSE,
Washington, D. C.:

Will you please introduce a bill to remove the restrictions on property and money belonging to Klamath Indians which is now in trust. A bill that Mrs. Wade Crawford is in Washington urging. We believe that the principal of the bill constructive.

KLAMATH COUNTY COURT,
U. E. REEDER, Judge.

KLAMATH FALLS, OREG., July 19, 1945.

Hon. WAYNE MORSE,
United States Senate,
Washington, D. C.:

Give serious consideration and study to legislation on Indian Agency being pressed by Mrs. Wade Crawford. Believe it will benefit both Indians and whites. Will appreciate your introducing the bill.

JOE L. HICKS.

THE OREGON LAMB PROBLEM

Mr. MORSE. Mr. President, I shall not detain the Senate long tonight in my discussion of the Oregon lamb prob-

lem. I do want to point out to the Senate that some days ago, approximately 2 weeks ago, I pointed out that the situation was so critical in regard to the marketing of Oregon lambs, because of the resulting food wastage and spoilage that was flowing from OPA's maladministration, that I considered it to be my duty as a Senator from Oregon to address the Senate each day until such time as the Government required OPA to correct this wrong.

Last Friday afternoon in the course of my speech on the Oregon lamb problem I was interrupted by the senior Senator from Oregon who had been called to the telephone by the Secretary of Agriculture. As the Record for last Friday will show, the Secretary of Agriculture authorized the senior Senator from Oregon to announce on the floor of the Senate that he had recommended to OPA that ration points be raised on all soft lambs in the State of Oregon. The Secretary of Agriculture made clear to the senior Senator from Oregon [Mr. CORDON], that he made his recommendation on the basis of an independent investigation, which investigation, Mr. President, verified the factual material and evidence which I had inserted in the CONGRESSIONAL RECORD for days preceding as to the seriousness of the situation. It is interesting to note that the Department of Agriculture reached exactly the same conclusion as to the proper remedy which I had reached upon the basis of the facts as I presented them to the Senate.

What did the OPA do about it? They issued an order, a very interesting order, a stupid order, an order which I tell you, Mr. President, and Members of the Senate, could not have been issued if the OPA had been desirous of handling this problem on the basis of the facts and fair dealing. They issued an order last Saturday, Mr. President. I have before me the OPA release in explanation of the order, and I ask unanimous consent to have it inserted in the Record at this point as a part of my remarks. It is interesting to note that the OPA release is itself a rebuttal of previous OPA representations on this issue.

There being no objection, the release was ordered to be printed in the Record, as follows:

Lamb of commercial, utility, and cull grades will be point-free in western parts of Oregon from July 23 through September 1, 1945, the Office of Price Administration announced today.

This emergency action was taken to prevent the loss of meat which might result if the soft lamb crop in the Willamette Valley of Oregon were not slaughtered and consumed rapidly.

It was agreed upon after joint discussions between the Department of Agriculture and the OPA.

Today's move follows a number of other steps already taken to assure lamb producers in the Willamette Valley area a satisfactory market for their lambs. Substantial quantities of lamb are being bought in the area from federally inspected plants for the military services. The OPA regional administrator has made quota adjustments, under authority granted to him June 27, where quotas were limiting unreasonably the slaughter of lambs.

These steps would ordinarily have been sufficient to handle the situation, OPA said, but this year weather conditions have contributed to the need for an unusually rapid marketing of the lamb crop, and manpower limitations in federally inspected plants have prevented handling of enough of these lambs through these plants to permit Government procurement to take up the entire seasonal increase in marketing.

Since these lambs are fed mostly on moist grass with little dry feed, they tend to be of inferior quality and cannot be shipped any considerable distance alive. If marketing were delayed, the lambs would deteriorate very rapidly. They must be slaughtered while in prime condition and before feed supplies are exhausted.

In order to assure that other areas are not deprived of their share of the national meat supply during this critical period, the Department of Agriculture is prohibiting the shipment of any lambs into this area except to federally inspected slaughterhouses from which the Army can take the bulk of the production.

This situation in the Willamette Valley is unique in several respects. The entire crop of so-called soft lambs of the area is marketed during the space of a few weeks. It is estimated that the crop of soft lambs which will be point free will be over 75,000 lambs this year. It is estimated that the bulk of the lambs will grade commercial and utility, with the balance culls.

The area affected will include the counties of Hood River, Clackamas, Marion, Linn, Lane, Douglas, Jackson, and all counties in Oregon west of those named. This includes only sufficient area to permit the quick consumption of the necessary slaughter of lambs from the Willamette Valley, OPA said.

Mr. MORSE. Mr. President, the OPA order lifts the ration points on commercial and utility lambs. What is the result? The result is that automatically the order lowers the selling price on Choice lambs down to the utility and commercial grades prices. In other words, the farmers of the Willamette Valley who have Choice lambs to sell cannot sell those lambs under this order except at utility prices. Why is that the result?

Mr. HICKENLOOPER. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield.

Mr. HICKENLOOPER. Has the Senator from Oregon discovered what is a utility lamb?

Mr. MORSE. No; OPA has not made that clear to me. Apparently they look upon a utility lamb and cull lamb as lamb below a certain weight and grade. However, the result under the order is that all lamb now being a reduced price irrespective of quality and grade.

Mr. HICKENLOOPER. I have never heard of a utility lamb any more than I have heard of a utility veal, and I am very curious to find out what the definition of a utility lamb is.

Mr. MORSE. I wish the Senator would try his luck with OPA and see if he can get a sensible statement from them. Mr. President, the Senators from Oregon are trying their best to obtain a sensible ruling from OPA. I have waited 3 days for a ruling but I cannot wait any longer without calling the Senate's attention to this last OPA bungling of the Oregon lamb problem. The result of the order has been to reduce the market price of Choice lambs in the Willamette Valley

to the farmers. They are fighting mad about it and I do not blame them.

Just think of it, Mr. President. So very serious is it that I do not think the order can be reconciled with good faith on the part of OPA. I not only am desirous of getting results and doing justice to the lamb producers of the State of Oregon but I am desirous of establishing a principle once and for all, the principle that I have argued for with all the power at my command, namely, that any rule or regulation of OPA which results in food wastage or spoilage cannot be justified and therefore must be modified.

No one meets me on that argument. No one denies the soundness of that argument. And yet as a Senate we continue to permit OPA to issue orders and carry out policies which are resulting in food wastage and spoilage in this country. It is nothing short of criminal negligence on the part of the Senate. The senior Senator and the junior Senator from Oregon are hearing from their State these days and we are hearing plenty.

Mr. President, the following telegram is a good example of what our people are saying to us. The telegram comes to me from H. A. Chapman, president of the Eugene Food Merchants Association, and is as follows:

EUGENE, OREG., July 25, 1945.

Senator WAYNE L. MORSE,
Washington, D. C.:

Must these good and choice lambs stay on the ranch and lose weight and quality so they will be classed as utility and culls before OPA will let them be sold point free? There has been enough lambs lost on the farms in the State of Oregon in the past 3 years to feed the State for a year. Unless you win the whole fight now the sheep industry will be as dead as the hog industry in your home State.

EUGENE FOOD MERCHANTS ASSOCIATION,
H. A. CHAPMAN, President.

The telephone wires are hot between Oregon and the offices of the two Senators from Oregon, because the lamb producers are pointing out that when they take their lambs to market the price is reduced to a lower, so-called utility price. Mr. President, it is not fair or just. It is not reasonable. It is not right; and I for one am going to continue to press for a correction of this maladministration by the OPA, and the correction of the injustice which it is foisting upon the Oregon-lamb producers. Its handling of this case is but typical of its wasteful food policies throughout the Nation.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. WHERRY. As I interpret the Senator's remarks, before relief is obtained on points, it is necessary to sell the lamb as utility lamb. Is that correct?

Mr. MORSE. For this reason: The housewife will not give ration points for so-called choice lamb when she can buy utility lamb without points. So the lamb buyers says, to the farmer, "I will give you the utility price." He says that because utility lambs can be bought without ration points.

Mr. WHERRY. And the producers are forced to sell lambs of a higher grade at the utility price, in order to get the relief

which the OPA has promised the lamb producers in Oregon.

Mr. MORSE. That is correct.

Mr. President, I should like to read an excerpt from a letter which I received from Mrs. A. McKenzie, in which she says:

I wrote to the Senators last year about our lamb losses and I decided that there was very little that you Senators could do to help us with this lamb problem. The OPA sure makes it h— for the farmers of Oregon.

Mr. President, I speak with the utmost sincerity. I do not like to see this rising tide of opposition in my State to OPA. I say I do not like to see it because I think the basic principles of the Price Administration Act are sound and needed principles. I think we must maintain price control in this country if we are to preserve economic stabilization; but that is no justification for any Senator to stand by and permit OPA to continue with its abusive policies.

I am not only seeking justice for the lamb producers of Oregon, but I am making a sincere and vigorous effort in the Senate to awaken this body to the necessity of establishing a special committee to maintain an investigation and a constant vigilance over OPA. We owe it to the consumers of America.

I repeat this afternoon what I have said so many times before, that if OPA is allowed to continue with its maladministration, the responsibility should then be placed upon the Congress of the United States for not taking the necessary steps to eradicate OPA abuses.

I again officially ask the chairman of the Committee on Banking and Currency [Mr. WAGNER] to give me a hearing in regard to the resolution which I have introduced, a resolution which has widespread support on the Republican side of the aisle. If Democratic Senators who speak to me about it in the cloak rooms would only support it on the floor of the Senate, it would go through the Senate by a large majority vote.

All that has to be done to correct the Oregon lamb injustice is to carry out the recommendation of the Secretary of Agriculture. He sees the problem. His views on it are absolutely sound. He made a recommendation on the basis of his independent investigation, an investigation which verified my position. From this seat I again call upon OPA to put into operation the only solution which will do justice in the premises, and that is the solution of lifting the ration points on all soft lamb, not merely on so-called commercial and utility grades.

I close by asking unanimous consent to introduce two more items into the Record. One is a card which I received from Mrs. Vivian Stratton, of Portland, Oreg., on the Oregon lamb problem, together with my reply thereto.

There being no objection, the card and letter were ordered to be printed in the Record, as follows:

PORTLAND, OREG., July 17, 1945.

DEAR SENATOR MORSE: Please do your best to get a point holiday on lamb here. Yesterday, on a tour of meat markets, I saw pounds of spoiled lamb. It was dry and

dark-colored or green from taint. It is a disgrace to have meat spoil when we are actually hungry for meat.

Sincerely,

VIVIAN STRATTON.

JULY 24, 1945.

Mrs. VIVIAN STRATTON,
Portland, Oreg.

DEAR MRS. STRATTON: Thank you for your postal card. I want you to know that I am continuing my efforts to get a solution on the lamb problem. We made a little progress but not enough.

As you know, I have introduced a resolution calling for investigation of the Office of Price Administration. Unfortunately, the Banking and Currency Committee has as yet taken no action on the resolution and of course will not until the fall. I think it will be necessary for those of us who are interested in an improvement in this organization to keep on fighting toward that end.

With kind regards, I am,
Sincerely yours,

WAYNE MORSE.

Mr. MORSE. Lastly, Mr. President, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an editorial dealing with another phase of the food problem in the Pacific Northwest. The editorial was published in the Seattle Post-Intelligencer. It deals particularly with the cheese problem. I have already pointed out on the floor of the Senate that much butter has gone rancid and been sold, not for food purposes, but for soap manufacturing purposes. I received word yesterday that a carload of rancid butter was recently purchased by a soap manufacturer in San Francisco. This editorial points out that cheese is backing up in the storage houses of the Pacific Northwest, and that the result will be great wastage and spoilage of food.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

Warehouses in Seattle and the length of the Pacific coast literally are bulging with cheese.

News reports tell of millions of cheeses of all types, sizes, and shapes.

Not only that—commercial holders of these huge piles are supplicating the Office of Price Administration to provide a temporary red-point exemption so that this edible and highly nutritious food may be moved into public consumption, lest it spoil.

All this comes as a revelation little short of astounding to a public that had had to sharply trim its food budget and has done so the more willingly because it believed its enforced denial to be a contribution to the success of our arms.

Apparently this is not the case at all.

Apparently these several million pounds of cheese, the closest available substitute for the protein value in meat, is still another monument—and a smelly one at that—to the ineptitude and the incomparable blundering that has marked our entire wartime food distribution problem.

Consider, for example, the Office of Price Administration reply to the plea that it temporarily waive red-point requirements to permit these tremendous stocks of cheese to move into consumption.

From far-away Washington, D. C., 3,000 miles removed from the immediate local scene of poverty in the midst of plenty, this agency blithely observes:

"Cheese is moving into consumption satisfactorily in most areas with the present point value, with shortages in some areas."

In other words, the Office of Price Administration's answer is "No."

What, then, does it suggest be done with these mountains of cheese which the owners assert will inevitably spoil if not quickly shifted into consumption from their overcrowded warehouses?

Has the Office of Price Administration given any thought to the likelihood that by permitting this surplus of cheese to be eaten by a hungry people, it would relieve the existing pressure on our scant supplies of meat?

The Office of Price Administration owes the public a complete and detailed, as well as a most satisfactory explanation of its refusal.

The only alternative is to take the cheese out of the warehouses and put it on the tables where millions of eager consumers would provide a guaranty against the spoilage that has wasted altogether too much of our food stocks. (Seattle Post-Intelligencer.)

Mr. MORSE. Perhaps there are Senators who can justify to the consumers of America the wastage of food, at the very hour when every effort of this Government should be bent toward preserving food not only for our own people, but for the people of other nations of the world who are going to starve during the coming winter unless this Government takes the necessary steps to bring them substance.

Mr. President, I speak with the full support of the senior Senator from Oregon [Mr. CORDON] on this matter. I hope it will not be necessary for us to continue to press for the correction of this injustice, but I for one would rather face the criticism of my colleagues in the United States Senate, who to this day have not taken the necessary steps to correct the situation, than to go back to the State of Oregon and say to the people of Oregon, "As your representative I failed to do my utmost to correct this injustice."

I shall continue to fight for the lamb producers of the State of Oregon, in the interest of correcting this injustice. I shall continue the fight, if necessary, throughout the debate on the Charter. I do not know what it will profit us to build up a great idealistic organization aimed at bringing justice to the world if as Members of the United States Senate we will not take the necessary steps to handle in a just way a very simple problem, which must be handled if we are to save the people of America from maladministration by OPA of their food supply.

I close with the plea again that the Senate rise to its obligation and duty and by an overwhelming vote pass the resolution which I have submitted, calling for the appointment of a special committee of the Senate to maintain a constant vigilance over OPA until its maladministration of the food supply of America is corrected. The Oregon lamb issue illustrates the clear need for the resolution.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDENT pro tempore. The Chair now has on his desk a list of 17 Senators who desire to speak on the treaty. The Chair wishes to say again that those Senators will have to be on their feet seeking recognition in order to obtain it. The Chair will enforce the rule which requires that procedure.

EXECUTIVE NOMINATIONS

Mr. AUSTIN. Mr. President—

Mr. BARKLEY. Mr. President, will the Senator yield to me for the consideration of the executive nominations on the calendar?

Mr. AUSTIN. I am glad to yield to the Senator from Kentucky, with the understanding that I shall not lose the floor.

Mr. BARKLEY. Of course.

I ask for the present consideration of the nominations on the calendar.

The PRESIDENT pro tempore. The clerk will state the nominations on the Executive Calendar.

SELECTIVE SERVICE SYSTEM

The legislative clerk proceeded to read sundry nominations in the Selective Service System.

Mr. BARKLEY. I ask that the nominations in the Selective Service System be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Selective Service System are confirmed en bloc.

UNITED STATES COAST GUARD

The legislative clerk proceeded to read sundry nominations in the United States Coast Guard.

Mr. BARKLEY. I ask that the nominations in the Coast Guard be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Coast Guard are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Army are confirmed en bloc.

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed this day.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

That completes the calendar.

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 6 o'clock p. m.), the Senate took a recess until tomorrow, Thursday, July 26, 1945, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate July 25 (legislative day of July 9), 1945:

COLLECTOR OF CUSTOMS

James E. Manahan, of St. Albans, Vt., to be collector of customs for customs collection district No. 2, with headquarters at St. Albans, Vt., to fill an existing vacancy.

IN THE NAVY

Vice Admiral David W. Bagley, United States Navy, to be a vice admiral in the Navy, for temporary service, to continue until his detachment from duty as a member of the Joint United States-Mexican Defense Committee, to rank from the 1st day of February 1944.

Capt. Adolf V. S. Pickhardt, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as chief of staff to commander, United States naval forces, northwest African waters, and until reporting for other permanent duty.

Capt. Roger E. Nelson, United States Navy, to be a commodore in the Navy, for temporary service, to continue while serving as commandant, United States naval operating base, Guam, and until reporting for other permanent duty.

Pay Director James W. Boundy to be a pay director in the Navy, with the rank of commodore, for temporary service, to continue while serving as a fleet or force supply officer, United States Pacific Fleet, and until reporting for other permanent duty.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 25 (legislative day of July 9), 1945:

SELECTIVE SERVICE SYSTEM

APPOINTMENTS

Paul G. Armstrong to be State director, Illinois, with salary at the rate of \$8,225 per annum.

Louis A. Boening to be assistant State director, Illinois, with salary at the rate of \$6,230 per annum.

Frank D. Rash to be State director, Kentucky, with salary at the rate of \$6,230 per annum.

John Van B. Metts to be State director, North Carolina, with salary at the rate of \$7,175 per annum.

Holmes B. Springs to be State director, South Carolina, with salary at the rate of \$6,230 per annum.

Carleton C. Pierce to be State director, West Virginia, with salary at the rate of \$5,600 per annum.

John L. McCormick to be State director, Alaska, with salary at the rate of \$5,180 per annum.

Milton E. Ballangee to be State director, Hawaii, with salary at the rate of \$5,915 per annum.

Angus J. Gallagher to be administrative officer, national headquarters, with salary at the rate of \$7,175 per annum.

Ronald M. Holmes to be administrative officer, national headquarters, with salary at the rate of \$6,230 per annum.

Austin S. Imirie to be administrative officer, national headquarters, with salary at the rate of \$7,175 per annum.

Kenneth H. McGill to be Chief, Research and Statistics Division, national headquarters, with salary at the rate of \$7,175 per annum.

Blynn T. Shafer to be Assistant Chief, Research and Statistics Division, national headquarters, with salary at the rate of \$6,230 per annum.

PROMOTIONS IN THE REGULAR ARMY

To be colonels

INFANTRY

Eugene Manuel Landrum
William Fenton Lee
Frederick William Huntington

CAVALRY

Frank Glenister Ringland
Oliver Irey Holman

APPOINTMENT BY TRANSFER IN THE REGULAR ARMY

TO CORPS OF ENGINEERS

First Lt. Denis Blundell Grace

TO ORDNANCE DEPARTMENT

Capt. Victor Charles Huffsmith, Infantry

TO FIELD ARTILLERY

Capt. William Burns Fraser.
First Lt. Charles Stuart Cumings

TO INFANTRY

First Lt. Bruce Palmer, Jr.

TO AIR CORPS

Second Lt. Clarence Arthur Powers

UNITED STATES COAST GUARD

APPOINTMENTS FOR TEMPORARY SERVICE IN THE COAST GUARD

Edward H. Smith to be a rear admiral, to rank from June 30, 1942, while serving as district Coast Guard officer, Third Naval District, or in any other assignment for which the rank of rear admiral is authorized.

Gordon T. Finlay to be a rear admiral, to rank from June 1, 1945, while serving as district Coast Guard officer, Eighth Naval District, or in any other assignment for which the rank of rear admiral is authorized.

Earl G. Rose to be a rear admiral, to rank from June 1, 1945, while serving as task force commander in the United States Atlantic Fleet, or in any other assignment for which the rank of rear admiral is authorized.

Frederick A. Zeusler to be a rear admiral, to rank from June 1, 1945, while serving as district Coast Guard officer, Thirteenth Naval District, or in any other assignment for which the rank of rear admiral is authorized.

Joseph Greenspun to be a rear admiral, to rank from June 1, 1945, while serving as chief finance and supply officer, or in any other assignment for which the rank of rear admiral is authorized.

Eugene A. Coffin to be a commodore, to rank from June 1, 1945, while serving as district Coast Guard officer, Fourteenth Naval District, or in any other assignment for which the rank of commodore is authorized.

James A. Hirshfield to be a commodore, to rank from June 1, 1945, while serving as district Coast Guard officer, Cleveland, Ninth Naval District, or in any other assignment for which the rank of commodore is authorized.

Norman H. Leslie to be a commodore, to rank from June 1, 1945, while serving as district Coast Guard officer, Seventeenth Naval District, or any other assignment for which the rank of commodore is authorized.

Milton R. Daniels (E) to be a commodore, to rank from June 1, 1945, while serving as district Coast Guard officer, Fourth Naval District, or in any other assignment for which the rank of commodore is authorized.

Merlin O'Neill to be a commodore, to rank from June 1, 1945, while serving as district Coast Guard officer, Fifth Naval District, or in any other assignment for which the rank of commodore is authorized.

POSTMASTERS

ALABAMA

Nola Bull, Bear Creek.
Lucille Garrett, Cloverdale.
Mary A. Hart, Comer.
James F. Hestle, Coy.
Amanda C. Funderburg, Cropwell.
Regina D. Harris, Gantts Quarry.
Demetrius A. Fannin, Garden City.
Nannie P. McCaskill, Garland.
Lucile G. McMillan, Gastonburg.
Hattie R. Walker, Highland Home.
Georgia Miller, Jamestown.
Era M. Culbertson, Kelliston.
Artie M. Dorman, Kimberly.
Willodene C. Smith, Lapine.
Julia A. Robbins, Lewisburg.
Ora L. Oates, Lisman.
Mary E. Vinson, Loachapoka.
Josiah F. Irby, Lower Peach Tree.
Troy L. Lyle, Lynn.
James W. Sandlin, Magnolia Springs.
Ulysses L. Hinton, Manchester.
Ollie G. Harris, Morris.
Dessie M. Lovvorn, Newell.
Roy B. Whitaker, Paint Rock.
Willie M. Adams, Pinckard.
Mae B. Gamel, Remlar.
Ethel B. Moore, Riderwood.
John E. Jones, Safford.
Clifton E. DeLoach, Vida.
Janie T. Baxter, Vinegar Bend.

ALASKA

Beatrice Edenso, Craig.
Orrin S. Flemley, McGrath.
Susan English, Seldovia.

ARIZONA

Olive Tompkins, Camp Verde.
Patricia C. Bradley, Cavecreek.
Thorval Newton Clark, Oracle.
Anselm G. Sippel, St. Michaels.
J. Boyce Watkins, Salome.
Milford W. Kempton, Solomonsville.
Andrew L. Alger, Yucca.

ARKANSAS

Marvin Taylor, Strawberry.

CALIFORNIA

Clarence G. Rush, Acton.
Lesbia M. Williamson, Aromas.
Vincent M. Canet, Avila.
Sophia E. Shelley, Big Bear City.
Jeanette L. DeMent, Blue Jay.
Thelma F. O'Brien, Bonita.
Dolores Foubert, Clayton.
Leonard B. McCulley, East Highlands.
Lulu M. Costello, Foresthill.
Mary A. Beat, Glenn.
Florence L. Conant, Graeagle.
Minnie Ferretti, Groveland.
Gertrude Hoberg, Hobergs.
Ramona Sutfin, Jolon.
Gladys C. Dark, Kettleman City.
Mathilde M. Nelson, Lebec.
Kathryn C. Adair, Leevining.
Georgia S. Sage, Nestor.
Edith Lucas, Nipomo.
Iris L. Nelson, Palermo.
William J. Bathurst, Richardson Springs.
William W. Glass, Seven Oaks.
George L. Mays, Shell Beach.
Kyle K. McCleery, Somis.
George M. Robinson, Tecate.
Norman A. Morrison, Thousand Oaks.
Louise Stine, Tupman.
Candina E. Spaletta, Vina.
Bessie M. Tyler, Westend.

GEORGIA

John C. White, Armuchee.
Andrew N. Elliott, Auburn.
James E. Hadden, Avera.
Sallie L. Thrasher, Barwick.
John S. Cleghorn, Berryton.
Marjorie M. Stewart, Buckhead.
Rudolph C. De Loach, Clio.
Amelia E. Phillips, Crandall.
Missouri Connell, Culverton.

Wilton E. Stonecypher, Estanollee.
Gordon Hall, Hilton.
Harold Williams, Juliette.
Willie L. Mosely, Lizella.
Charity J. Collis, McCaysville.
Clara L. Browning, Midway.
Olan W. Stubbs, Millhaven.
Leona B. Branch, Millwood.
W. Howard Ballew, Mineralbluff.
Edna M. Brannen, Portal.
Bessie Boatwright, Rayle.
Vera M. Roberts, St. George.
Ida Mae Dekle, Sale City.
Raymond S. Townsend, Wildwood.

HAWAII

Martin D. Dreier, Lihue.

INDIANA

Charles E. McClaine, Advance.
Noah E. Flora, Cutler.
Earl Funk, Dayton.
Mae L. Drake, Fairbanks.
Frances A. Gallimore, Free Com.
Howard G. Carr, Glezen.
Charles Redmon, Hatfield.
Nova Cole, Liberty Center.
Hel'm L. Hilkert, Lucerne.
Jacob O. Chandler, McCordsville.
Bertha Dorton, Matthews.
Ethel Martin, New Market.
John K. Eggers, Reelsville.
V. Ruth Rinehart, Romney.
Susan M. Boecker, St. John.
John M. Loveless, Somerville.
Lawrence Julian, Spurgeon.
Norman S. Hoskinson, Tennyson.
Margaret E. Lewis, Universal.
Joseph J. Bendit, Wyatt.

MISSISSIPPI

James H. Martin, Kokomo.

MONTANA

Elias O. Sorvick, Antelope.
Leanore K. C. Roderick, Outlook.

NEBRASKA

James Adolf Wensien, Brownville.
Carl C. Waterman, Lebanon.
Charles D. Spangler, Murray.
Edith Belle Sweeney, Nemaha.
Frovin Rasmussen, Rockville.

NEW MEXICO

Annie L. Nicholas, Oil Center.

PUERTO RICO

Emilio Hernandez, Aguada.
Feliciana G. Gonzalez, Aguas Buenas.
Carmen Andreu de Torrens, Dorado.
Pedro Alvarez, Guaynabo.
Esther Lacomba, Hatillo.
Angelina Frias, Las Piedras.
Carlota M. V. de Quinones, Luquillo.
Laura B. Lopez, Maricao.
Antonio B. Rivera, Moca.
Angelita Mendez de Rivera, Rincon.
Georgina S. Herrans, Toa Baja.
Gloria Torano, Trujillo Alto.
Dolores Santiago, Villalba.

TENNESSEE

Maude Pack, Delano.
Gene S. Kemp, Difficult.
Charles C. Brook, Eldon.
Alice E. Davis, Elgin.
Lucille B. Johnson, Hampton.
Roy P. Blevins, Shady Valley.
Walter A. Adkins, Winfield.

UTAH

Ivor Clove, Enterprise.

VIRGINIA

Edith S. Willingham, Andover.
Lewis E. Robinette, Blackwater.
Ray L. Barlow, Buckner.
William H. Covington, Burgess Store.
Garnett N. Edwards, Callands.
Theo. T. Cogbill, Chesterfield.
Beulah G. Nolan, Chula.
Josie R. Williams, Cullen.

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Margaret C. Horton, Derby.
Etta Mitchell, Fancy Gap.
Alma R. Ricketts, Flint Hill.
Abram M. Goode, Henry.
Maurice J. Mongle, Holston.
Nora F. Johnson, Hurley.
Henry L. McGlothlin, Jewell Valley.
Bernice Vines, Kents Store.
Edna Y. Smith, McClure.
Marion V. LeMay, Mechanicsville.
John W. Roberts, Meredithville.
R. Clarke Lloyd, Millwood.
Lois N. Blankenship, Moseley.
George Ralph Smith, Penn Laird.
William P. Furniss, Saxis.
Thomas R. Apperson, Selma.
Alice M. Merriman, Spencer.
Agnes P. Gordon, Union Level.
Alva H. Matney, Vansant.
Walter Anglin, Woolwine.

WASHINGTON

Lars Sagen, East Stanwood.

SENATE

THURSDAY, JULY 26, 1945

(Legislative day of Monday, July 9, 1945)

The Senate met in executive session at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

God of all mankind, our Father, amid the bewilderments of these days of confusion and chaos upon the earth so full of lamentation, mourning, and woe, uncertain and troubled about so many things, we must be sure of Thee else we are lost and undone. The circumstances of our times are so appalling and dismaying that the resources of our souls are utterly inadequate unless Thou replenish them, Thou Shepherd of our pilgrim days, in whose peace our restless spirits are quieted and by whose love our discouraged hearts are reassured.

In this creative hour of human destiny, save us from surrendering to cynicism because of human evil and of being made men of little faith by human folly. Even as we peer upward with soiled face, open our eyes to see a glory in our common life, with all its sordid failures, and in the heart of the whole cosmic scheme, to feel the pull of a resistless power that makes for love and righteousness more constant than the stars. In that faith we come with the crystallized hopes of the nations turning in terror from a future without good will, offering our Nation, not as a chalice of privilege and of pride, but as a channel of mercy and help and healing, that all the ends of the earth may be blessed. In the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, July 25, 1945, was dispensed with, and the Journal was approved.

LEGISLATIVE BUSINESS

By unanimous consent, as in legislative session, the following business was transacted:

MISSOURI VALLEY AUTHORITY—CHANGE IN DATE OF HEARINGS

Mr. OVERTON. Mr. President, with respect to the date of September 17, 1945, which has been set for the beginning of hearings before a subcommittee of the Senate Committee on Irrigation and Reclamation on the bill (S. 555) to establish a Missouri Valley Authority to provide for unified water control and resource development on the Missouri River and surrounding region in the interest of the control and prevention of floods, the promotion of navigation and reclamation of the public lands, the promotion of family-type farming, the development of the recreational possibilities and the promotion of the general welfare of the area, the strengthening of the national defense, and for other purposes, I wish to announce that in view of the fact that Congress will not be in session on that date, I have consulted with the author of the bill, the junior Senator from Montana [Mr. MURRAY] and the majority members of the subcommittee. We have agreed that the date for beginning the hearings on the bill be 2 weeks after the date upon which the Senate reconvenes. I ask unanimous consent that the hearings begin on that date.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Louisiana?

The Chair hears none, and it is so ordered.

PERSONNEL REQUIREMENTS

The PRESIDENT pro tempore laid before the Senate letters from the administrative officer of the White House, the Director of the Office of Economic Stabilization, the Secretary of the United States Employees' Compensation Commission, and the Secretary of the Smithsonian Institution, transmitting, pursuant to law, personnel requirements for their respective offices for the quarter ending September 30, 1945, which, with the accompanying papers, were referred to the Committee on Civil Service.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDENT pro tempore:

The petition of Dr. C. H. R. Hovde, of Van Nuys, Calif., for redress of grievances; to the Committee on the Judiciary.

By Mr. CAPPER:

A petition of sundry citizens of Wichita, Kans., praying for the enactment of legislation to prohibit the advertising of alcoholic beverages in periodicals, newspapers, radio, motion pictures, or any other form of alcoholic-beverage advertising; to the Committee on Interstate Commerce.

EXTRA GAS FOR DISABLED VETERANS—RESOLUTION OF VETERANS OF FOREIGN WARS

Mr. McMAHON. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a resolution adopted by the Veterans of Foreign Wars of the United States, Department of Connecticut, relating to extra gas for disabled veterans who drive cars to and from work.